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## Senate

The Senate met at 1:01 p.m. and was called to order by the President pro tempore, Mr. STEVENS.

### PRAYER

The chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Accept, O Lord, our thanks and praise for all You have done for us. We thank You for the splendor of creation, for the wonder of life, and for the mystery of love. Thank You for family and friends and for the loving care that surrounds us on every side. Thank You for work that demands our best efforts and for the satisfaction of a job done well. Thank You also for disappointments and failures that teach us to depend only on You.

Bless our Senators today. Give them the gift of Your spirit that they may make You known by their thoughts, words, and actions at all times and in all places. Strengthen and protect our military people. Imbue them with courage and loyalty. Remind us all to strive to glorify You in every action, both large and small.

We pray this in Your blessed Name. Amen.

### PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. FRIST. Mr. President, today the Senate returns to regular business. Last week the Nation and the world bid

a final farewell to President Ronald Wilson Reagan. The services and ceremony were fitting tributes to our 40th President. I remind my colleagues that we will be printing a memorial book that will include all of the floor tributes and services related to the passing of our former President. For those Members who were unable to speak on the floor, we will allow Senators to submit statements on Ronald Reagan until June 25 in order to have those tributes printed in the memorial book.

#### ROTUNDA TRIBUTES TO FORMER PRESIDENT RONALD REAGAN

At this time, I ask unanimous consent that the tributes during the Rotunda services by our distinguished President pro tempore, currently in the Chair, Speaker of the House, and our Vice President be printed in today's CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### SPEAKER'S REMARKS AT THE STATE FUNERAL OF THE LATE PRESIDENT RONALD WILSON REAGAN

(WASHINGTON DC).—The Speaker of the House, J. Dennis Hastert (R-IL) made the following remarks at the State Funeral of the late President Ronald Wilson Reagan tonight in the Capitol Rotunda:

Mrs. Reagan, Mr. Vice President, Members of Congress, Distinguished Guests: Ronald Reagan's long journey has finally drawn to a close.

It is altogether fitting and proper that he has returned to this Capitol Rotunda, like another great son of Illinois, Abraham Lincoln, so the nation can say, good-bye. This Capitol Building is, for many, the greatest symbol of democracy and freedom in the world. It brings to mind the "shining city on a hill" of which President Reagan so often spoke. It is the right place to honor a man who so faithfully defended our freedom, and so successfully helped extend the blessings of liberty to millions around the world.

Mrs. Reagan, thank you for sharing your husband with us—for your steadfast love and for your great faith. We pray for you and for your family in this time of great mourning.

But as we mourn, we must also celebrate the life and the vision of one of America's

greatest Presidents. His story and values are quintessentially American. Born in Tampico, IL, and then raised in Dixon, IL, he moved west to follow his dreams. He brought with him a Midwestern optimism, and he blended it with a western "can do" spirit.

In 1980, the year of the "Reagan Revolution," his vision of hope, growth, and opportunity was exactly what the American people needed and wanted. His message touched a fundamental chord that is deeply embedded in the American experience.

President Reagan dared to dream that America had a special mission. He believed in the essential goodness of the American people and that we had a special duty to promote peace and freedom for the rest of the world.

Against the advice of the timid, he sent a chilling message to authoritarian governments everywhere, that the civilized world would not rest—until freedom reigned—in every corner of the globe.

While others worried, President Reagan persevered. When others weakened, President Reagan stood tall. When others stepped back, President Reagan stepped forward. And he did it all with great humility, with great charm, and with great humor.

Tonight, we will open these doors and let the men and women who Ronald Reagan served so faithfully, file past and say good-bye to a man who meant so much to so many. It is their being here that I think would mean more to him than any words we say, because it was from America's great and good people that Ronald Reagan drew his strength.

We will tell our grandchildren about this night when we gathered to honor the man from Illinois who became the son of California and then the son of all America. And our grandchildren will tell their grandchildren—and President Reagan's spirit and eternal faith in America will carry on.

Ronald Reagan helped make our country and this world a better place to live. But he always believed that our best days were ahead of us, not behind us. I can still hear him say, with that twinkle in his eye, "You ain't seen nothing yet!"

President Reagan once said, "We make a living by what we get; we make a life by what we give." Twenty years ago, President Reagan stood on the beaches of Normandy, to honor those who made a life, by what they gave. Recalling the men who scaled the cliffs and crossed the beaches in a merciless hail of bullets, he asked, who were these men—these

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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ordinary men doing extraordinary things? His answer was simple and direct: They were Americans.

So I can think of no higher tribute or honor or title to confer upon Ronald Reagan than to simply say: He was an American. Godspeed, Mr. President, God bless you, and God bless the United States of America.

REMARKS BY THE VICE PRESIDENT AT THE  
STATE FUNERAL OF RONALD W. REAGAN

Mrs. Reagan, members of the President's family, colleagues, distinguished guests, members of the diplomatic corps, fellow citizens: Knowing that this moment would come has not made it any easier to see the honor guard, and the flag draped before us, and to begin America's farewell to President Ronald Reagan. He said goodbye to us in a letter that showed his great courage and love for America. Yet for his friends and for his country, the parting comes only now. And in this national vigil of mourning, we show how much America loved this good man, and how greatly we will miss him.

A harsh winter morning in 1985 brought the inaugural ceremony inside to this Rotunda. And standing in this place for the 50th presidential inauguration, Ronald Reagan spoke of a Nation that was "hopeful, big-hearted, idealistic, daring, decent, and fair." That was how he saw America, and that is how America came to know him. There was a kindness, simplicity, and goodness of character that marked all the years of his life.

When you mourn a man of 93, no one is left who remembers him as a child in his mother's arms. Ronald Wilson Reagan's life began in a time and place so different from our own, in a quiet town on the prairie, on the 6th of February, 1911. Nelle and Jack Reagan would live long enough to see the kind of man they had raised, but they could never know all that destiny had in store for the boy they called Dutch. And if they could witness this scene in 2004, their son taken to his rest with the full honors of the United States, they would be so proud of all he had done with the life they gave him, and the things they taught him.

President Reagan once said, "I learned from my father the value of hard work and ambition, and maybe a little something about telling a story." That was the Ronald Reagan who confidently set out on his own from Dixon, IL during the Great Depression, the man who would one day speak before cameras and crowds with such ease and self-command. "From my mother," said President Reagan, "I learned the value of prayer. My mother told me that everything in life happened for a purpose. She said all things were part of God's plan, even the most disheartening setbacks, and in the end, everything worked out for the best." This was the Ronald Reagan who had faith, not just in his own gifts and his own future, but in the possibilities of every life. The cheerful spirit that carried him forward was more than a disposition; it was the optimism of a faithful soul, who trusted in God's purposes, and knew those purposes to be right and true.

He once said, "There's no question I am an idealist, which is another way of saying I am an American." We usually associate that quality with youth, and yet one of the most idealistic men ever to become president was also the oldest. He excelled in professions that have left many others jaded and self-satisfied, and yet somehow remained untouched by the worst influences of fame or power. If Ronald Reagan ever uttered a cynical, or cruel, or selfish word, the moment went unrecorded. Those who knew him in his youth, and those who knew him a lifetime later, all remember his largeness of spirit, his gentle instincts, and a quiet rectitude that drew others to him.

See now, at a distance, his strengths as a man and as a leader are only more impressive. It's the nature of the city of Washington that men and women arrive, leave their mark, and go their way. Some figures who seemed quite large and important in their day are sometimes forgotten, or remembered with ambivalence. Yet nearly a generation after the often impassioned debates of the Reagan years, what lingers from that time is almost all good. And this is because of the calm and kind man who stood at the center of events.

We think back with appreciation for the decency of our 40th president, and respect for all that he achieved. After so much turmoil in the 60s and 70s, our Nation had begun to lose confidence, and some were heard to say that the presidency might even be too big for one man. That phrase did not survive the 1980s. For decades, America had waged a Cold War, and few believed it could possibly end in our own lifetimes. The President was one of those few. And it was the vision and will of Ronald Reagan that gave hope to the oppressed, shamed the oppressors, and ended an evil empire. More than any other influence, the Cold War was ended by the perseverance and courage of one man who answered falsehood with truth, and overcame evil with good.

Ronald Reagan was more than an historic figure. He was a providential man, who came along just when our Nation and the world most needed him. And believing as he did that there is a plan at work in each life, he accepted not only the great duties that came to him, but also the great trials that came near the end. When he learned of his illness, his first thoughts were of Nancy. And who else but Ronald Reagan could face his own decline and death with a final message of hope to his country, telling us that for America there is always a bright dawn ahead. Fellow Americans, here lies a graceful and a gallant man.

Nancy, none of us can take away the sadness you are feeling. I hope it is a comfort to know how much he means to us, and how much you mean to us as well. We honor your grace, your own courage, and above all, the great love that you gave to your husband. When these days of ceremony are completed, the Nation returns him to you for the final journey to the West. And when he is laid to rest under the Pacific sky, we will be thinking of you, as we commend to Almighty the soul of His faithful servant, Ronald Wilson Reagan.

EULOGY FOR PRESIDENT RONALD REAGAN  
(By Senator Ted Stevens)

Mrs. Reagan, Patti, Ron, Michael, distinguished guests, members of the Reagan family, and friends of Ronald Reagan in America and throughout the world:

Tonight, President Ronald Reagan has returned to the people's house to be honored by millions of Americans who loved him.

Since 1824, under this Rotunda, our Nation has paid final tribute to many dedicated public servants. President Abraham Lincoln was the first president to lie in state under this Capitol dome. In the coming days, thousands will come to these hallowed halls to say good-bye to another son of Illinois who, like Lincoln, appealed to our best hopes, not our worst fears.

In the life of any Nation, few men forever alter the course of history. Ronald Reagan was one of those men. He rose from a young boy who didn't have much to a man who had it all, including the love of a faithful partner and friend he found in his wife Nancy.

The true measure of any man is what he does with the opportunities life offers. By that standard, Ronald Reagan was one of

America's greatest. He first proved that as governor of California and later as the President of the United States.

When Ronald Reagan was sworn in as our 40th President, this Nation was gripped by a powerful malaise, inflation and unemployment were soaring, and the Soviet Union was winning the Cold War.

By the time President Reagan left office, he had reversed the trend of ever-increasing government control over our lives, restored our defense capabilities, guided us through the worst economic downturn since the Great Depression, and set in motion policies which ultimately led to the collapse of the "Evil Empire."

His integrity, vision and commitment were respected by all. But history's final judgment, I believe, will remember most his ability to inspire us.

President Reagan put it best when he said: "The greatest leader is not necessarily the one who does the greatest things. He is the one that gets [the] people to do the greatest things."

This President inspired Americans by reaching out far beyond what he could attain. Like a good coach, he understood the value of a goal isn't always in achieving it; sometimes it is enough to simply look out into the future and remind people what is possible. And, often he achieved the impossible.

He reminded us that "government is not the solution." The solution lies in each of us. True American heroes are ordinary people who live their lives with extraordinary character and strength.

President Reagan showed us freedom was not just a slogan; he actually brought freedom to hundreds of thousands of people around this globe by opposing oppressive regimes. Those of us from the World War II generation looked up to him for his moral courage; in him we saw the leadership of great men like Eisenhower who led the way and moved us to follow.

On a winter day in 1981, Ronald Reagan stood on the steps that lie just beyond these doors to deliver his first inaugural address. He spoke of a journal written by a young American who went to France in 1917 and died for the cause of freedom. From that journal he read these words: "I will work, I will save, I will sacrifice, I will endure, I will fight cheerfully and do my utmost, as if the issue of the whole struggle depended on me alone."

Throughout his life, Ronald Reagan bore our burdens as if the outcome did depend on him alone. We will all remember him as an unparalleled leader and an exceptional man who lifted our Nation and set the world on a new path.

President Reagan achieved greatness in his life; some might even argue he transcended it. He could not have accomplished this without Nancy. Nancy is one of the finest First Ladies these United States have ever known. And the love Ronald and Nancy Reagan shared touched the hearts of people everywhere.

In 1989, President Reagan delivered his farewell address from the Oval Office. In that speech, the President spoke of "the shining city upon a hill" that, "after 200 years, two centuries . . . still stands strong and true on the granite ridge." Now, it is our turn to thank Ronald Reagan for making us believe in that shining city. As we say farewell, his last words as President echo across this great Nation. If we listen, we will hear him whisper the humble words he used to sum up his revolution: "All in all, not bad, not bad at all."

Mr. FRIST. Mr. President, today following the 60-minute period for morning business, we will resume consideration of S. 2400, the Department of Defense authorization bill. That will begin our third week of consideration on the Defense authorization bill. It is important that we finish this critical piece of legislation this week. I hope Senators will cooperate to that end. The amendments have been reviewed, and Chairman WARNER and Senator LEVIN will be looking to schedule floor consideration of those amendments.

Last week, I announced we will vote on Defense-related amendments this evening beginning at 5:30 p.m.. Although we have not locked in any votes at this time, it is my hope that this afternoon Members will come to the floor with their amendments so we can begin voting promptly at 5:30. We will alert all Senators when we reach consent concerning these votes.

In addition, this week we will need to consider a number of judicial nominations which were delayed from last week. Members should be prepared for consecutive votes on these nominations. We will be scheduling those votes throughout each day.

On this side of the aisle, we are not going to need rollcall votes on each of these nominations. I will be talking to the Democratic leadership to see if the Senate can act at least on some of these noncontroversial judges without a rollcall vote in the interest of schedule and time.

Finally, we face a number of scheduling challenges this week with other events that are going on. So it is important we use each Senator's time efficiently. We will be trying to accommodate as many of those events as possible. But we absolutely must have the cooperation of all Senators in order to get our work done this week.

I will turn to the assistant Democratic leader for his comments, and then I have a statement to make in morning business.

Mr. REID. Mr. President, we will be very happy to be on the Defense bill. We on this side have a number of amendments that will be offered immediately. I think they will be substantive amendments and they should not be controversial, at least as far as I know.

I ask the distinguished majority leader if President Karzai is going to speak here tomorrow.

Mr. FRIST. Mr. President, it is my understanding he will be speaking tomorrow. The details of that will be announced later today. But it is my understanding it will be early in the morning to a joint session of Congress.

Mr. REID. Mr. President, we look forward to working on this legislation. As the leader knows, we have a lot of amendments. I am glad we are able to focus on these today. I am sure we can dispose of a lot of these with the two managers. We have done that in the past. We still have to have several votes, and we will work to do our best

over on this side to get votes and move forward.

The PRESIDENT pro tempore. Is the leader using leadership time?

Mr. FRIST. I will use leader time.

#### VISIT TO IRAQ

Mr. FRIST. Mr. President, 10 days ago I had the opportunity to travel to Iraq to visit our troops on the front line and the troops serving in support of Operation Iraqi Freedom. On that same trip to Baghdad, I had the opportunity to spend time with Ambassador Jerry Bremer as well as the new Prime Minister of the Iraqi interim government. He was appointed Prime Minister 3 or 4 days before our arrival. His name is Dr. Ayad Allawi. He happens to be a neurologist who spent part of his time and his training in England several years after I had the opportunity to do some of my training in England.

Also during this trip, we had the opportunity to discuss with, listen to, and receive briefings from our Nation's senior military officers who are currently leading our efforts in Iraq. I was joined by my colleagues Senator BOB BENNETT and Senator JOHN ENSIGN.

I will take a few moments to share with my Senate colleagues some of what we saw and learned on this trip. We didn't say very much about it because of the tributes last week. But about 8 days ago we were in Baghdad in Iraq. Some of what I will say you have heard before, but a lot of it you have not heard in large part because the media—both the media in Iraq and here in the United States—tends to cover the terrorist events, and it is very appropriate, but tends not to see what is going on on the ground in terms of what our soldiers see and what the Iraqi people are seeing. Given what we read and what we see in the media every day, we had the same experience today of waking up and opening the newspaper with yet another terrorist act. We expected to see things getting worse and worse on a daily basis. We expected to find a mission that was struggling, demoralized troops, collapsed infrastructure, and distressed Iraqi people. However, we found the opposite. We found hope. We found optimism. We found progress. Yes, we were there when terrorist activities were occurring, but in balance to that, and juxtaposed, we saw tremendous success. We went, in part, to encourage others. We actually came back very encouraged and inspired.

The transfer to sovereignty, I am absolutely convinced, having just been there, will be successful. The transfer of responsibility is well underway. Again, I did not realize fully until going over there 9 days ago that most of the responsibility has already been transferred to the interim Iraqi government. The 33 new ministers have all been appointed. Most, or a majority of them, are already running their cabinet position or their department. The

new Iraqi government, the interim government, which will serve until the elections, appears to be very strong. People have tremendous respect for these leaders.

We began our trip in Kuwait. On the outskirts of Kuwait City, we visited Camp Wolverine. We were briefed there by the Deputy Commander of U.S. Central Command, LTG Lance Smith. We learned how the command is fighting throughout the very large theater that begins in East Africa, the border being the Sudan area and extending across the globe to the "Stans." That entire theater is aggressively and with a great deal of success carrying out its responsibility, including fighting this war on terror. The 25 or 26 countries are all involved, both as a region and also as individual countries, in fighting this war on this global network of terror.

In countries such as Iraq and Afghanistan, we are actively engaged in combat operations. They were described in great detail to us. Alongside our coalition partners and others, we are fighting a preventive war with diplomacy and economic and other nonmilitary means. It is a global effort. It is a comprehensive war on terror that is being fought. Like weeds in a garden, our commanders realize if you do not take action promptly, aggressively, and broadly, terrorism will take root, it will grow deep, and it will spread uncontrollably.

After our briefings, Senators BENNETT and ENSIGN and I met with the service men and women, the soldiers who are out there literally on the front line day in and day out. In Kuwait City there is an entryway where everybody coming to that part of the world is channeled—our soldiers—as well as when they exit to go home on leave for a few weeks. It is remarkable how our soldiers are briefed and debriefed and that transition is made.

Later that day we had the opportunity to dine with soldiers from our respective States. I had the pleasure of sharing a meal with many soldiers from Tennessee, including Tech SGT Kenneth Clark from Millington, MAJ Jon Hays from Chattanooga, MSG John Russell from Bluff City, and SGT Otis Fox from Memphis. I understate when I say that being able to have a meal with them, with the Tennessee flag up next to us, made me and Tennessee quite proud.

The next day we spent in Iraq where, as I mentioned, we met with Ambassador Bremer and his staff. This is a view from the ground from where we were 8 to 9 days ago. He made very clear he is encouraged by the caliber of the new Iraqi interim government. It was in that meeting that I realized much of the responsibility for sovereignty has already taken place. The new ministers are actually up and running right now.

We also had an update on the Iraqi economy and reconstruction efforts, which, again, are doing much better

than what our media or a sampling of our media in the United States would ever imply. The statistics speak for themselves: Unemployment is nearly half of what it was before the war; inflation has been cut in half; oil production is nearly nine times higher than it was a year ago at this time; bank deposits are up; microcredit loans are flowing.

From a medical standpoint, 85 percent of the Iraqi children have been immunized, and 240 hospitals—all of the hospitals—have been opened. As we walked through hospitals, they are open and serving people. There is actually some very good equipment there that Saddam had purchased, but it was sitting in containers for years and years after he purchased it and left in the hallways. That equipment is now being brought online.

Over 1,200 preventive medical clinics are operating. The CPA and the coalition forces have completed over 18,000 individual reconstruction projects. About \$7 billion to \$8 billion of the reconstruction money has been committed as of June 5.

We also learned that the reconstruction money which is so important in terms of giving hope to the Iraqi people but also in rebuilding the infrastructure has begun to flow much more freely now that a lot of the contracting issues have been worked out on the ground. These projects are going a long way in terms of reinvigorating the Iraqi economy, getting the country back on its feet, and giving hope to that individual Iraqi person or that individual Iraqi family after decades of neglect of this infrastructure, with no hope for decades because of Saddam Hussein.

Reducing unemployment is a critical need. That is why the reconstruction money, in part, is so important. Unemployment must be improved before we will have a truly secure situation on the ground. It is critical to move toward a full-blown democracy in Iraq.

I mentioned I had the opportunity to meet with Dr. Allawi, who I was very impressed with. He is a British trained neurologist, a longstanding opponent of Saddam Hussein's regime. He is the new Prime Minister. He will serve for the next 6 months. He is a man of great character. He shares our strategic goals and approach. He had talked to his country the day before and was covered extensively by the media in that part of the world. He talked about the sacrifice the United States has made, the fact that, yes, the security and elections are first and foremost, but it will be important to have the coalition forces and the United States present as we turn over to sovereignty but also help them rebuild their police forces and rebuild their military. We were the first delegation to have the opportunity to meet with Dr. Allawi, and, again, we were very impressed. I will say more about that meeting tomorrow.

Regarding the cabinet itself and the 33 ministers, I asked the people on the

ground about the 33 ministers who have been appointed. They are a broad, very educated group, very diverse group, geographically representative. There are six women. Two out of three have Ph.D.s. It seems to be both from a civilian—the Iraqi people—and a military viewpoint there is a tremendous amount of respect for the quality and the caliber of this cabinet.

A highlight for me personally, which occurred later in the day, was to visit the U.S. military hospital in Baghdad. Again, as a physician, it was invigorating to be able to meet our doctors and our nurses, our thoracic surgeons, our vascular surgeons who are treating anywhere from 70 to 100 patients in that facility every day.

We were able to meet a number of our service members who were being treated in the hospital who had been injured in the last several days. Again, to see their real patriotism, their pride, their optimism, even though they had just been injured the day before, was really gratifying.

I met with Greg Kidwell, a soldier from Clarksville, TN, who is serving in the military and serving his country by caring for patients in the hospital. It is a very impressive hospital facility. As a physician, as someone who spent 20 years in hospitals, this is top-notch, high-quality care from some of the most competent and dedicated professionals our country can muster.

Following the visit to the hospital, we visited with the 1st Armored Division near Baghdad. We had lunch with soldiers from the 1st Armored Division. Again, a number of Tennesseans who worked with the 1st Armored Division, such as SP Tim Griswold of Fayetteville, MSG Ron Miller of Clarksville, CAPT Mike Loveall of Gallatin, and SP Michael Johnson of Chattanooga were there. We were joined by several other soldiers from the 168th Military Police Battalion from Tennessee as well.

Afterwards, we were briefed by senior officers from the division. They gave us an overview of the situation, which was interesting because it was their responsibility to address the soldier militias. We had the opportunity to talk to them. This was several days after they had a huge amount of success in terms of addressing and defeating many of Muqtada al Sadr's militias in a number of cities throughout the south, having been moved from Baghdad down south. It is clear to them, and everybody we talked to, that Sadr is not supported by most Iraqis, but only by the disenfranchised and a fringe element.

Quite clearly, we owe the success of the 1st Armored Division to the competency, training, and motivation of our soldiers, and the overall success in all these activities to the success of our soldiers and our marines who risk their lives on a daily basis to bring freedom and democracy to Iraq.

Later that afternoon, we journeyed to the headquarters of the Multi-national Forces Iraq, which was formerly the CJTF-7. Again, we had a

comprehensive overview of the situation in Iraq. We left there impressed with our troops, with their character, with their courage, and with their determination to so selflessly accomplish their assigned mission. They are answering the call to duty to bring freedom and security so others may live free of tyranny.

I say all this saddened and well aware of the news that was presented last Friday, Saturday, and Sunday; and that is, this increased level of terrorism and violence in Iraq, including the murder of the Deputy Foreign Minister, Bassam Salih Kubba, which is a terrible loss. But we must be aware of and I think it is important for the American people to understand both what we were told and what we saw. We were told by our military commanders, we were told by the Prime Minister, and we were told by the President of Iraq, who was here this past week, that there is going to be an increased level of terrorist activity. The terrorists want to defeat—they say the United States and they say the coalition, but they want to defeat any government, any governing authority. So that level of terrorism is likely. We should not be surprised if it increases between now and June 30, and indeed after sovereignty is passed off to the Iraqis in the weeks after the new government takes hold.

After June 30, the relationship between the United States and Iraq is going to be one of a strategic partnership, as we move from an occupying force to that of a mission and a very large embassy there. Our focus is going to be twofold. No. 1 is going to be security and No. 2 is to make sure, in terms of a strategic partnership, that these elections occur and that they occur in a free and fair way. So it is security and elections. That is what the focus will be over the next 6 months.

We, of course, will continue with the reconstruction progress that has been made, improving the Iraqi economy. At the same time, we will continue to fight terrorism now in partnership with the interim Iraqi government. The terrorists want, and the terrorists have as their objective, to derail the sovereignty to the Iraqi people. They are targeting the growing middle class in Iraq. They want to keep Iraqis out of voting booths. They want to keep them out of hospitals. They want to keep them out of schools. They want to keep them out of markets. And they want to accomplish that through fear.

But it is clear, in talking to the Iraqi people and the civilians and our military, that they simply are not going to succeed. That is what we left with: They simply are not going to succeed. Most Iraqis do not support these groups. They understand the terrorists are attacking the people of Iraq. It is going to be very helpful that when the Prime Minister, who had not met anybody from our legislative branch—the first words he said to me and to the Iraqi people were, using the Iraqi voice:

The terrorists are not after you, the United States, and not even after the coalition. The terrorists are after the Iraqi people. Every action—blowing up an oil line, blowing up a water line—hurts the Iraqi people, not the United States and not the coalition itself. That voice coming from the Iraqi leadership I think will be hugely helpful.

Iraqis do not like the U.S. occupation in and of itself. They are a proud people and they want that sovereignty. Yes, we are going from occupation to mission. Iraqis do want freedom. They do want democracy. But the President this week, with whom many of us had the opportunity to meet, and the Prime Minister said the goal is democracy.

Last week—and I will close shortly—the U.N. Security Council unanimously approved a new U.S. resolution. The resolution outlines that transfer of sovereignty to the new interim Iraqi government and the role of the coalition forces after June 30. The world community is now united behind the Iraqi people, and with every passing day the Iraqi people, with the coalition's help, are building the capacity to govern themselves.

As in the past, we must stay the course. We will stay the course. We will keep true to the principles. We will have continued faith in our superb Armed Forces. We know that history in the end will be on our side.

Mr. President, I yield the floor.

#### RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the unused leadership time is reserved.

#### MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for up to 60 minutes, with the time equally divided between the two leaders or their designees.

Who seeks recognition?

The Senator from Wyoming.

#### IRAQ

Mr. THOMAS. Mr. President, I was very pleased to hear about the leader's trip to Iraq. Having been there several months ago, I think things have changed some, certainly. I think they are even stronger there than they were and things are better than we hear about here. So I say to the majority leader, I am delighted you were there.

#### DEFINING THE ISSUES

Mr. THOMAS. Mr. President, we are faced now with a relatively short period of time to finish our work for this year. We are down to a certain number of weeks—not very many—to do many things. We have a short time to finish the jobs that need to be finished. So I

wish to comment a little on some of the things I have been thinking about in terms of the broader aspect of what our responsibilities are in the Senate.

In the Senate, we are faced, of course, with many and varied issues. We have to deal with all kinds of things that happen and all kinds of issues that are brought up which are very legitimate. I guess this is my point: Our job is also to define the kinds of issues that are appropriate to be handled in the Senate, to be handled in the Congress, to be a part of the Federal activity.

Sometimes I think we find ourselves having all kinds of issues come up in this Chamber which one could question as to whether this is the role of the Federal Government. Of course, our basic decisionmaking comes from the Constitution. But the Constitution is obviously fairly broad in its terms, so there is always a different kind of feeling, a different definition for what are the appropriate roles, the appropriate issues in which the Federal Government should be involved.

I guess I am sometimes reminded that the Federal Government is only one of the functions that we have in this country to carry out the leadership and the activities for our country.

It is the United States of America, so that the Federal Government's role is to bring together those things that affect a number of States, and the States to do those things that are involved in their State. They are closer to the people in the State.

We also, of course, have county governments. We have State governments, and we have city governments. We have nongovernmental units. We have voluntarism. We have all kinds of things that are there.

One of the elements of our work is to decide what should be treated as legitimate Federal issues and the kind with which we should be concerned here. I think we are challenged every day with that kind of definition. I am not going to try to cite all the different ones that come up, but I can tell you there are things that come up that you would have a hard time saying: Hey, that is the role of the Federal Government to decide.

It is particularly appropriate to bring this up, after having spent the weekend celebrating Ronald Reagan's work as President and the job he did in leadership. His basic thought, you remember, all through his whole involvement was less government rather than more and wanting it to be more efficient rather than less efficient. So it does seem appropriate that we talk about those kinds of things as we go about our struggle.

We are involved now, for instance, with the establishment of a budget. Frankly, a lot of people say: What do you want a budget for; you don't pay any attention to it anyway.

That isn't true. The budget is kind of that definition of where we are going, and the Federal Government has some

control in that if you go beyond the budget in the appropriations process, which often happens, then there is the defense mechanism that you can raise a point of order where it takes 60 votes to get it passed. So it is interesting to me that now we are having time for the budget. In fact, time for the budget has actually passed. Remember, this is the fiscal year that ends at the end of September, and we are supposed to have all of our appropriations finished by that time. To do that, you really should have a budget. And we are here on the cusp of having a budget, yet with some fairly insignificant differences why we are held up and don't have one.

I was struck the other day by reading a little quote from James Madison. He said:

In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place, oblige it to control itself.

That is difficult, a large event like we have in the Federal Government, to control the size and the activities of the Federal Government. So I think in many ways it has grown beyond what most people would have envisioned in years past. Whenever there seems to be a problem here, now we have continued to create the notion that you need some money for this, you need some money for that on the local level. Let's get the Federal Government to pay it. Then, on the other hand, we say: taxes are too high. Why should we be paying this much?

So there is this built-in contradiction that is always there. But we need to take a look at the dollars spent. We need to take a look at the size of the Federal Government, the number of employees in the Federal Government, the number of agencies we have, and more difficult than anything else is to kind of keep track of the number of programs that are funded by the Federal Government. It is difficult sometimes.

One of the difficulties is programs become established, and they continue. Times change. What was appropriate to do 10, 15 years ago may not be appropriate now, but it seems to be very difficult to ever do anything about the programs that exist, that sort of perpetuate themselves.

So I think it really is interesting to deal with this issue and, again, to think about the role of the Federal Government.

We are doing something in the committee that I chair, the Parks Subcommittee, where we have more and more heritage areas. We find ourselves having heritage areas most everywhere, and you get a little advantage locally. I understand that. But we are trying now to put down the definition of what a national heritage area ought to be. There are State heritage areas; there are local heritage areas; and then there are national ones, each of which has different characteristics. So these

are the kinds of things at which I believe we have to continue to look.

As we have grown, I wanted to bring a little exhibit. I asked the general services office to make for me a list of all the programs that are federally funded. This is the book of federally funded programs. I am not saying they are not all excellent, but I am saying this thing continues to get bigger, continues to get larger, continues to have more and more programs and not much of an effort to go back and evaluate them to see if they are still appropriate, to see if they need to be changed, to see, indeed, if they need to be there. We don't really evaluate as closely as we might the new programs that are thrown out there, whatever they may be, to see, is this an appropriate thing for us to do at the Federal level or, indeed, should it be done somewhere else.

So I have been feeling fairly strongly about this point. I am not sure we all recognize the size of the things that we do have. For example, how many employees do you suppose there are in the Federal Government? Quite a few? Yes, about 1.9 million. It has gone up the first part of this administration, and now it went down by about 29,000. Now it is 1.861 million employees. And they are good employees, I understand that. I am not critical of the employees. But I am saying this is the size of the Government. We try to do some things to hold down the size, to hold down the spending. Maybe even more importantly is to keep Government as close as can be to the governed. I think we see this regionally quite a bit.

I happen to be from a State in the West, a small population State. The kinds of programs, the kinds of administration, the kinds of governmental activities you need in our State are quite different from what they are in New York City or in Philadelphia. So having it closer to the people allows for the kinds of changes that need to be there. We are concerned about spending. Indeed, we should be. We spent, last year, about \$826 billion on discretionary programs, not defense and those others. As a matter of fact, non-military spending last year was up 8.7 percent over the last 2 years. So that is an awful lot of dough.

At any rate, I just couldn't resist the idea of saying, let's take a little look at each of these programs, and let's see if they are still current, if they are still doing the job they were designed to do, if they are appropriate to be done on the Federal level as opposed to some other level of government, and what can we do to make them even more efficient.

I was very impressed over the week-end with all of our recognition of President Reagan, his efforts to sort of do some of these things, keep them as small as possible, keep them as appropriate as possible. I think it is a job that we have as well, and one that I hope we will take up with more vigor.

I yield the floor.

The PRESIDING OFFICER (Mr. SMITH). The Senator from Arizona.

#### ENDING THE COLD WAR

Mr. KYL. Mr. President, I, too, would like to comment on one of the legacies of our late President Ronald Reagan, the legacy of ensuring that the free world would prevail over the Soviet Union in the cold war.

I thought it was interesting that in one of the comments about Reagan very recently made on National Public Radio, June 8 of this year, Mr. Gennady Gerasimov, spokesman for Mikhail Gorbachev, said this:

I see President Reagan as a grave digger of the Soviet Union and the spade that he used to prepare this grave was SDI, a Strategic Defense Initiative, so-called "Star Wars." The trick was that the Soviet leadership believed that this SDI defense is possible and then—because it's possible, we must catch up with the Americans. And this was an invitation to the arms race, and the Soviet economy could not really afford it and this way Reagan really contributed to the demise of the Soviet Union.

Who better to know that than the spokesmen for Mikhail Gorbachev who have said similar things? Twenty-one years ago, President Reagan posed a very important question to the American people. He asked us to consider whether the free people of the world should continue to have to rely upon the threat of a massive retaliation of nuclear weapons to prevent an attack by the opposition. He asked: What would it take to free the world from this threat? He answered as follows:

I know this is a formidable, technical task, one that may not be accomplished before the end of this century. Yet, current technology has attained a level of sophistication where it's reasonable for us to begin this effort. It will take years, probably decades of effort on many fronts. There will be failures and setbacks, just as there will be successes and breakthroughs. . . . But isn't it worth every investment necessary to free the world from the threat of nuclear war? We know it is.

We began making that investment. It was one of the reasons we had a deficit during the Reagan years. It was part of the so-called defense buildup, to invest billions of dollars in the research—yes, there were failures, but there were many successes—to develop a Strategic Defense Initiative, an ability to defend ourselves against a ballistic missile attack from an enemy. A lot of Americans probably think we developed that strategic defense, that we have that capability today. They might remember that during the first Persian Gulf war Patriot missiles shot down some of the Scuds that were fired by Saddam Hussein.

But the grim reality is strategic defense is still not a reality. We still don't have the ability to defend against a missile attack. What happened during the Persian Gulf war? We used an air defense system to shoot down airplanes, and in the field, literally, as we shipped it from the United States to Israel and to Saudi Arabia and to Ku-

wait, made modifications in it so that we hoped it might work to shoot down some of the missiles that Saddam Hussein shot toward Saudi Arabia and Kuwait. In fact, some of those missiles—roughly a third of them—were intercepted by the Patriot. It was a crude weapon that was modified in the field. It had never been tested against other missiles. Yet we used what we had at the time because of the threat that existed.

Throughout the Clinton years and the first Bush administration, research continued. Every time we got close to, as they say, bending metal, actually building a missile, somebody would object and say we are not quite there yet. We haven't proven it can work. It is going to cost a lot of money, or the Russians—then the Soviets—might be unhappy with it.

After the demise of the Soviet Union, we agreed to scrap the ABM Treaty, and both President Putin and President Bush agreed that there was no need for a treaty that would define how many missiles each country could have and how many nuclear warheads because, frankly, we didn't have the need for them anymore and they were costly to maintain. We would destroy as many of ours as we wanted to destroy, and they could destroy all of theirs that they wanted to destroy. It was too expensive to keep around. There are still some in Russia, I might add, where some believe it still might be worth trying to develop this offensive capability because the U.S. has never deployed a ballistic missile defense. There are those in China who believe the same thing, and also in North Korea, who I suspect believe we are bluffing.

Let me quote something from a high-ranking official in Iran, from Iran's clerical hierarchy, delivered at Tehran's Al-Hussein University very recently, and reported in the May 28 edition of a newspaper in London:

We have a strategy drawn up for the destruction of Anglo-Saxon civilization and for the uprooting of the Americans and the English. The global infidel front is a front against Allah and the Muslims, and we must make use of everything we have at hand to strike at this front, by means of our suicide operations or by means of our missiles. There are 29 sensitive sites in the U.S. and in the West. We have already spied on these sites and we know how we are going to attack them.

There is more that we could bring to the information from the intelligence community, that is open material that we are all aware involve plans by leaders in North Korea, Iran, and other places to try to develop missile technology and nuclear technology to attack places such as the United States. The North Koreans already have the capacity to attack Hawaii and Alaska, and we don't yet have a missile defense system in place to stop it.

Thanks to President Bush and the efforts of the Congress and the missile act that we passed, we have put into place a program to actually develop and deploy a missile defense system. It



is not the be-all and end-all. It would not destroy everything the Soviet Union used to be able to use against us, but it would stop the kinds of missiles that North Korea, Iran, and perhaps others might want to send our way.

Yet today we are at a crossroads. We begin debating today the Defense Authorization Act and expect amendments to be offered once again to cut the heart out of the missile defense program, prevent it from being deployed to actually be able to shoot down the missiles of an attacking country. It is interesting what is at work here. I say cut the heart out. They want to cut out over half a billion dollars—\$515.5 million—from the missile defense program. Why? They claim it hasn't yet been operationally tested. What does operational testing mean? It means you take it out of the laboratory kind of testing and put it into the ground; put the missile into the silo, and you run against it a real test with an offensive missile like the one you want to be able to defend against and see if you can knock it down. That is real operational testing, battlefield conditions.

Sometimes you cannot afford to do that kind of testing, and you have to go with what you have just as we did in the first Persian Gulf war. There are other examples. The JSTAR is a program that had never been operationally tested, but we found that we needed it and, as a result—it is the Joint Surveillance and Target Attack Radar System, which is an aircraft that played an important role in the 1991 Persian Gulf war by providing warning to forces on the ground when the Iraqi military was on the move. This had never been tested. JSTAR was in preproduction; it was a preproduction aircraft. They literally had to outfit it on the way to the theater. We used it and it worked.

The Predator is another example, and the Global Hawk. Unmanned aerial vehicles have been valuable assets on the war on terrorism. They were not operationally tested. They were hardly ready for use, but we needed something that could do what they did. That is the way it is with missile defense today. We need to have the ability to shoot down a missile aimed at us by, for example, Iran or North Korea or some other enemy that might think we are bluffing.

What about this claim that it hasn't been operationally tested? Mr. President, this is how we operationally test it. We put it into the silo, erect the radars, send a target missile against it, and see if it will work. We have had many tests—something like 18 tests, and all of the most recent tests have been successful. We are quite confident it will work. It needs to be tested in battlefield conditions, and this is the way to get it done. But the cuts that are being proposed would prevent us from buying the number of missiles we need in order to conduct this testing and still have enough left in the ground

to prevent an attack should there be one launched against us.

There is a basic catch-22 being imposed against us. That catch-22 is that you cannot deploy it until you can operationally test it, and you cannot test it until you deploy it.

It would be folly for us to support an amendment that would prevent us from fielding these missiles. Eventually, we are only talking about 20 interceptors based at Fort Greeley in Alaska and Vandenberg Air Force Base. The money that has been set aside for the first tranche of these missiles is already now producing the missiles to put in the first set of silos. We are now talking about the downpayment on the additional interceptors, No. 21 through No. 30. We have already cut the long lead procurement funding for interceptors No. 31 through 40. So we have already delayed that, which will make it much more costly.

The bottom line is, as we have been told by General Kadish—the general who runs this program—it will be much more time-consuming and expensive if we cut the money out of the budget this year to prevent the production of these missiles that are going to be needed both for operational testing, as well as to be prepared to defend against an enemy attack should it come.

The point I want to make today is this: The Soviet Union was brought to its knees because it believed President Reagan when he said we are going to develop a means of countering your most effective weapon, so you might as well not even try to spend the money and the effort and the time to create this program because we will be able to defeat you; we are not kidding.

It has been over 20 years since President Reagan made that announcement, and we still do not have the missiles in the ground. I am afraid some of our potential enemies are going to conclude that we were bluffing all along, that we do not have the will to spend the money and to put the program in place to provide this kind of defense.

The point of this defense is not just to be able to operationally test it and have it in the ground to stop a missile should one be launched against us, but to deter nations that might believe we are bluffing, to deter nations from spending the money to build these offensive weapons in the first place, to deter these leaders, these people in places such as North Korea and Iran, from concluding that if they will simply spend the money it will take to build the nuclear weaponry and the missiles to fire them, that we will somehow forget about developing missile defenses or conclude that it is too expensive, and the richest Nation on Earth, the Nation that has the financial capability of providing this kind of defense, will decide not to do it.

The point of our exercise today is to move forward with the bill that the committee has put before us. It is a good bill. The bill has an authorization for enough money to buy the next

group of missiles we need to put in the silos for testing purposes, for the purpose of shooting down a missile should one be launched against us—we do not have that ability today—and third, to deter countries that might be thinking they can go ahead with the development of this kind of a system because the United States will never get around to deploying an effective missile defense system.

Now is the time for us to act. It is not the time for us to blink in the face of these dictatorial countries. Should we support the amendment that would cut the heart out of missile defense funding for this year, it would send a signal to these countries that the United States has been bluffing all along. We were not bluffing when Ronald Reagan made that important announcement. The Soviet Union understood that. Can we do any less today than to make it crystal clear to our would-be enemies that we are not bluffing, that we mean what we say, that we intend to protect America, that we intend to protect others who are our allies, and that we will not permit an offensive ballistic missile to strike our land and kill our people? To do anything else would be morally irresponsible.

As President Reagan said, if we have the capability of defending ourselves and preventing this kind of conflagration, should we not take advantage of that wonderful capability? I am optimistic about our ability, and I am confident about the American people, and I am sure they want us to confirm to the world that we mean what we say, just as Ronald Reagan meant what he said.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. I thank the Chair.

(The remarks of Mr. PRYOR pertaining to the introduction of S. 2516 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

#### HONORING OUR ARMED FORCES

STAFF SERGEANT ERICKSON H. PETTY

Mr. INHOFE. Mr. President, I rise today to honor the memory of a courageous Oklahoman who died saving the lives of his men. Staff Sergeant Erickson H. Petty grew up in Fort Gibson, where he graduated from high school in 1993. Eric, as he was known, aspired to military service early, enlisting in the Oklahoma Army National Guard when he was 17. Upon graduation, he joined the active duty Army, where he served for nearly 10 years.

Eric has an extremely successful career in the Army, serving as a recruiter for a time and as a scout in the 1st Armored Division. On May 3, Staff Sergeant Petty and his men were guarding a weapons cache in Salman Al Habb when they came under small arms fire. Petty ordered his soldiers into the protection of their Humvees, taking cover

last to ensure the safety of his men. That decision, which so clearly demonstrated his sacrificial leadership, cost him his life.

Staff Sergeant Petty had two passions: his family and his country. Those who speak of him constantly refer to his devotion to his wife Kimberly, and especially to Colton, his 9-year-old son. In the words of a long-time friend, his relationship with his son was "his center." Still, the call of duty was strong. Staff Sergeant Petty had the option to stay a recruiter, to stay with his family. He chose to serve, and for our sakes gave up safety, family, and finally his life.

America needs more committed servants like Staff Sergeant Petty. His life and death stand as a clear example of what it means to be a patriot, even at great cost. Eric Petty heeded his country's call, and for that we are all grateful. We would do well to remember his sacrifice as we celebrate his commitment to family, friends, and nation. He was Oklahoma's son and America's hero—Staff Sergeant Eric Petty.

SPECIALIST JAMES E. MARSHALL

Mr. President, I also pay homage to Army Specialist James E. Marshall, who last month made the ultimate sacrifice for his country—his life. Although he was only 19 years old, Specialist Marshall was a dedicated defender of America and knew the value of freedom and the sacrifices freedom sometimes demands. For his service and his sacrifice, I am proud to honor him on the Senate floor today.

Specialist Marshall was a member of the First Battalion, 21st Field Artillery Regiment, of the First Cavalry Division based at Fort Hood, TX. A native Oklahoma from my hometown of Tulsa, Marshall was raised by his mother, Pamela. Specialist Marshall and his mother were very close; indeed, he pursued military service both to protect his country and to help provide for her, as she had done for him for so many years. We hold her in our prayers.

During his senior year, when classmates were pursuing scholarships and jobs, James Marshall was planning a different route. He had been considering military service for some time, and he saw it as an opportunity for personal development and a chance to prove himself.

Specialist Marshall died tragically on May 5 when the vehicle he and a fellow soldier were riding in was struck by an improvised explosive device in Baghdad, Iraq. On behalf of the U.S. Senate, I ask that we now pay tribute to James Marshall, who knew the true meaning of service and sacrifice. I am proud of him, and proud of his demonstrated commitment to winning the freedom of those he did not know. We will not forget this Oklahoma hero, this American patriot—Specialist James Marshall.

CORPORAL SCOTT MICHAEL VINCENT

Mr. President, I rise today to honor the memory of a remarkable man. Cor-

poral Scott Michael Vincent was a classic Oklahoman: a hard worker and a leader who was dedicated to his family, his faith, and his country.

Corporal Vincent hailed from one of Oklahoma's great small communities, Bokoshe, where he graduated from Bokoshe High in 2000. He had longtime aspirations to join the Marine Corps. When choosing a quote for his high school yearbook, he selected "semper fidelis," the Marine Corps slogan he exemplified through his life—and his death. He achieved his goal of serving with the Corps when he joined last year, completing a tour in Afghanistan before volunteering for an extra tour in Iraq.

On Friday, April 30, Corporal Vincent was serving as a scout near Fallujah, in Iraq's Al Anbar province. While his unit was halted, a suicide bomber approached his vehicle from the rear and detonated his explosive device. Corporal Vincent and one other marine were killed, and six of their comrades were wounded.

Scott Vincent's remarkable life was confirmed by the way people in his hometown reacted to his death. Over 400 people in a town of 405 came to funeral services on May 6. Our small towns are like families, and they are the fertile ground from which outstanding, selfless leaders like Corporal Vincent emerge to take on the mantle of service to their nation.

In this time of trouble, we remember Corporal Vincent. We remember his family, and we grieve with them for their fallen son. In his life and his death, he set a high standard for all of us to follow. We will never forget him—Corporal Scott Michael Vincent.

CHIEF WARRANT OFFICER TWO LAWRENCE S. COLTON

Mr. President, I rise today to honor the memory of a courageous Oklahoman who gave his life in defense of his Nation and his fellow soldiers. Chief Warrant Officer Two Lawrence Shane Colton hailed from Guthrie, OK. Shane was serving as an attack helicopter pilot in Iraq with the 1st Armored Cavalry division's Company C, 1st Battalion, 227th Aviation Regiment.

Shane joined the military as a clerk in 1992, eventually working his way up to Staff Sergeant and then through Warrant Officer Candidate School. He was highly decorated and regarded as a skilled and capable pilot by his fellow soldiers. On Easter Sunday, April 11, CW2 Colton and CW3 Chuck Fortenberry answered a call for help: a Coalition convoy had been ambushed after being halted by an improvised explosive device. The soldiers were pinned down under heavy fire and significantly outnumbered, and in desperation they called for relief. Shane and Chuck headed right for the scene of the battle and opened fire on the insurgent positions with 30-millimeter chain guns, killing many of the terrorists and destroying a building they were using. The convoy was able to escape, but the Apache was shot down by a

small surface-to-air missile, and their rescuers were lost with it.

Shane was a man beloved by his friends and fellow soldiers because of his selflessness and optimism. To quote one of his comrades,

Shane would help you whenever you needed it too. If you had a problem with your car all you had to do was call him up and he would be there. He was also a whiz on computers and electronics. If it was broke he could fix it. The best thing about Shane was his attitude. No matter how crappy things were he always had a smile on his face and would say something to make you feel better.

Chief Warrant Officer 2 Colton was 32 years old when he lost his life. He left a young family to defend his country, knowing full well the risk he was taking. Ultimately, his commitment to his fellow Americans in Baghdad and at home would require his life. I know his friends and family realize that he died a true hero, worthy of the respect and gratitude of every American. They will miss him dearly, and our thoughts and prayers are with them today, particularly with his wife Inge and their children Jennifer and Lance, and with his parents Loren and Kathy Colton. And though we are all grieved by the loss of this man, we shall never cease to be proud of him—Oklahoma's son and America's hero—Chief Warrant Officer 2 Lawrence "Shane" Colton.

Mr. ALLARD. Mr. President, I request 10 minutes in morning business.

The PRESIDING OFFICER. The Senator is recognized.

Mr. ALLARD. Mr. President, I rise today to pay tribute to a distinguished American. Lieutenant General Ronald T. Kadish, United States Air Force, will soon be retiring from the U.S. military after 34 years of exceptional service to our Nation.

Many of my colleagues have come to know and respect General Kadish. Over the past 5 years, he has served as the Pentagon's Director of the Missile Defense Agency and the Program Manager for the Ballistic Missile Defense System. General Kadish's performance as Director has been nothing short of superb.

Throughout his unprecedented 5-year tour of duty, General Kadish applied his unparalleled experience and knowledge of public and private industry in the pursuit of effective defenses against enemy ballistic missiles.

He succeeded in motivating and aligning our political, scientific, and engineering communities to tackle the challenges of evolving a layered, multinational missile defense capability. And, he succeeded in transforming and focusing a large defense bureaucracy into a true joint planning, joint operating system acquisition and business activity.

Today, because of his singular and tireless efforts, we stand on the threshold of eliminating our Nation's longstanding vulnerability to the very real threat of ballistic missile attack.

General Kadish was commissioned into the Air Force in 1970 after completing the Reserve Officers Training



Corps program at St. Joseph's University in Philadelphia, PA. He went on to earn his master's of business administration at the University of Utah, and continued his professional military education at the Air University, the Industrial College of the Armed Forces, and the Defense Systems Management College.

In the early 1970s and 1980s, he was a pilot and instructor for the C-130 aircraft and served in tactical airlift squadrons in the United States and Germany. Over his career, he flew more than 2,500 hours in aircraft that form the airlift and fighter backbone of our Air Force—the C-130s and C-17s, and the F-15s and F-16s, respectively.

As a young acquisition professional, he participated in the Education-with-Industry program in Dallas with the Vought Corporation, and then got 3 years of hands-on management experience in the F-16 development program. A few years later, he was appointed the director of manufacturing and quality assurance for the B-1B bomber, one of the most technologically complex production efforts ever undertaken by our Nation up to that time.

The Air Force later called upon his managerial talents to serve in three successive high visibility, high pressure, and high impact positions as program director for the F-15 fighter, the F-16 fighter, and the C-17 military transport acquisition programs.

Some of my colleagues will remember the developmental difficulties the C-17 program faced. It was General Kadish's expertise that straightened out this troubled program. Our troops in Iraq and Afghanistan, and indeed in all points of the globe, remain the beneficiaries of his managerial accomplishment.

As the current Bush administration came into office, Secretary Rumsfeld looked to General Kadish to lead a major transformation of the Ballistic Missile Defense program. The daunting task of realigning a multi-billion-dollar, cutting-edge defense technology program into a streamlined, capability-focused effort did not deter General Kadish. His charge was to produce reliable defenses that will protect our citizens and friends across the globe from the growing threat posed by ballistic missiles. We are on the threshold of providing that capability as I speak.

Armed with his 20-plus years of military acquisition experience, it was clear to General Kadish that enhanced authorities and improved techniques were needed to accomplish the mission. General Kadish was never satisfied with business as usual when a better way could be found. Bureaucratic change is tough enough to execute under any circumstance. It is doubly so in a culture reinforced by longstanding legal requirements and administrative procedures. Add to that a measure of healthy and vocal skepticism from critics, and his missile defense transformation achievements stand out in stark relief.

Defense acquisition has historically been an activity carried out by the individual military services. General Kadish has broadened that vision by pioneering a joint acquisition strategy for the Department of Defense. This approach has been more responsive to the needs of our troops, more effective for the funds under his charge, and more attuned to the complexities of missile defense, than traditionally could have been possible. He leaves an important legacy of example and accomplishment for those who follow, inspiring a new generation of program managers for the joint arena.

In so doing, General Kadish earned the trust and respect of his associates in the Pentagon and my colleagues here in the Senate. We could always count on him to be clear in his goals, demanding in his standards, and forthright in acknowledging issues. He never promised more than he could deliver.

Indeed, one of my distinguished colleagues in this body, a declared skeptic of the missile defense program, has called him "a class act." I, personally, am privileged to be able to call him a friend, and to have him as a thoughtful and experienced advisor.

We will miss his leadership and his counsel as he moves on to a most well-earned retirement from the Air Force. We owe him a profound debt of gratitude and deep thanks for his extraordinary contributions to our Nation and our Nation's security over a lifetime of selfless service. I am sure I speak for all of us in this body in saying we wish him and his family health and happiness in the years ahead.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2400, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2400) to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and other purposes.

Pending:

Kennedy amendment No. 3263, to prohibit the use of funds for the support of new nuclear weapons development under the Stockpile Services Advanced Concepts Initiative or for the robust nuclear earth penetrator, RNEP.

Mr. WARNER. We are hopeful to get off to a vigorous start this afternoon. In consultation with the leadership on both sides at a later time, we will confirm the likelihood of at least one, and possibly two, votes occurring sometime after 5 o'clock. We will address that later.

At this time, the distinguished Senator from Colorado is going to lay down an amendment which could result in a second degree; then colleagues on the other side, and the distinguished Senator from Nevada, will lay down an amendment. We will have a flurry of activity for a little while.

I congratulate the distinguished majority leader for a very fine set of remarks regarding his trip. For those Senators who were not able to hear the remarks, I hope they will take the time to examine them in the RECORD. It is a very helpful perspective about the current situation in Iraq. I found it encouraging and upbeat.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. What is our order of business?

The PRESIDING OFFICER. The Kennedy amendment is pending.

Mr. ALLARD. I ask unanimous consent that we lay aside the Kennedy amendment so I can send an amendment to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 3322

Mr. ALLARD. Mr. President, I call up amendment No. 3322.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. ALLARD] proposes an amendment numbered 3322.

Mr. ALLARD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To promote international cooperation on missile defense)

On page 280, after line 22, insert the following:

#### SEC. 1068. MISSILE DEFENSE COOPERATION.

(a) DEPARTMENT OF STATE PROCEDURES FOR EXPEDITED REVIEW OF LICENSES FOR THE TRANSFER OF DEFENSE ITEMS RELATED TO MISSILE DEFENSE.—

(1) EXPEDITED PROCEDURES.—The Secretary of State shall, in consultation with the Secretary of Defense, establish procedures for considering technical assistance agreements and related amendments and munitions license applications for the export of defense items related to missile defense not later than 30 days after receiving such agreements, amendments, and munitions license applications, except in cases in which the Secretary of State determines that additional time is required to complete a review

of a technical assistance agreement or related amendment or a munitions license application for foreign policy or national security reasons, including concerns regarding the proliferation of ballistic missile technology.

(2) **STUDY ON COMPREHENSIVE AUTHORIZATIONS FOR MISSILE DEFENSE.**—The Secretary of State shall, in consultation with the Secretary of Defense, examine the feasibility of providing major project authorizations for programs related to missile defense similar to the comprehensive export authorization specified in section 126.14 of the International Traffic in Arms Regulations (section 126.14 of title 22, Code of Federal Regulations).

(3) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall, in consultation with the Secretary of Defense, submit to the Committee on Foreign Relations and the Committee on Armed Services of the Senate and the Committee on International Relations and the Committee on Armed Services of the House of Representatives a report on—

(A) the implementation of the expedited procedures required under paragraph (1); and

(B) the feasibility of providing the major project authorization for projects related to missile defense described in paragraph (2).

(b) **DEPARTMENT OF DEFENSE PROCEDURES FOR EXPEDITED REVIEW OF LICENSES FOR THE TRANSFER OF DEFENSE ITEMS RELATED TO MISSILE DEFENSE.**—

(1) **PROCEDURES.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of State, prescribe procedures to increase the efficiency and transparency of the practices used by the Department of Defense to review technical assistance agreements and related amendments and munitions license applications related to international cooperation on missile defense that are referred to the Department.

(2) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report—

(A) describing actions taken by the Secretary of Defense to coordinate with the Secretary of State the establishment of the expedited review process described in subsection (a)(1);

(B) identifying key defense items related to missile defense that are suitable for comprehensive licensing procedures; and

(C) describing the procedures prescribed pursuant to paragraph (1).

(c) **DEFINITION OF DEFENSE ITEMS.**—In this section, the term “defense items” has the meaning given that term in section 38(j)(4)(A) of the Arms Export Control Act (22 U.S.C. 2778(j)(4)(A)).

Mr. ALLARD. I rise today to offer this amendment in order to draw attention to the importance of encouraging missile defense international cooperation.

My amendment accomplishes the following: First, it requires the Secretary of State, in consultation with the Secretary of Defense, to establish an expedited process for considering the transfer of missile defense-related agreements and licenses within 30 days. The Secretary of State may use more time if he determines the proposed transfer necessitates a careful review to pre-

vent the proliferation of U.S. ballistic missile technology.

Second, the amendment requires the Secretary of State, in consultation with the Secretary of Defense, to conduct a study on major project authorizations for missile defense. The purpose of this study would be to examine the feasibility of providing major project authorizations for projects related to missile defense.

Third, the amendment requires the Secretary of Defense to prescribe procedures to increase the efficiency and transparency of the practices used by the Department of Defense to review applications for technical assistance agreements and licenses related to missile defense.

These provisions are limited in scope and have been refined considerably over the last month. They are specifically designed to provide a mechanism for increasing our cooperation on missile defense with our closest allies.

Why is this amendment important? Why should we work with our closest allies on missile defense? Let me take a moment to explain why.

Widespread proliferation of ballistic missiles and illegal weapons technology is a major threat to the United States as we enter the 21st century. Today, unfortunately, the United States remains defenseless against a ballistic missile attack.

President Bush, who is committed to eliminating this vulnerability, has taken extraordinary measures to remove obstacles to developing a missile defense capability. The technology has been proven. The timing is right. As a result, the President's vision for a national missile defense system will likely become a reality this fall.

Yet we must acknowledge this complex system could become even more complicated without the assistance of other nations. We need early warning and tracking sensors in other countries in order to predict and intercept an incoming ballistic missile. We also need intelligence other countries may have on the activities of those who may threaten our Nation.

Without this information, it could become extremely difficult for us to defeat a ballistic missile attack. A prudent step on our part would then be to recognize the value of this assistance and exhibit a willingness to help those who have been so willing to help us.

We cannot forget that while the United States may have a legitimate missile defense capability, most of our allies do not. For example, Japan, Australia, and South Korea are perhaps more vulnerable than the United States due to their close proximity to the North Korean ballistic missile threat. Yet these three close allies are defenseless against most ballistic missile attacks. Our NATO allies in Europe are also vulnerable to a similar threat from the Middle East.

We also cannot forget hundreds of thousands of U.S. soldiers, sailors, airmen, and marines are deployed in

many tough regions around the world, and many of these regions have rogue states that have substantial offensive ballistic missile capability. We cannot ignore this looming threat to our troops overseas. Having allies with missile defenses would greatly reduce the threat offensive ballistic missiles could pose against our troops overseas.

Some might suggest cooperation on missile defense could lead to the proliferation of ballistic missile technologies. This is a legitimate concern, and I certainly agree we must do everything we can to protect our most sensitive technologies. That is why I included in my amendment an exception that authorizes the Secretary of State to conduct an extended review of a proposed transfer if there is a concern about the transfer of ballistic missile technologies. None of us want to see ballistic missile technologies fall into the wrong hands.

We must recognize, though, that international cooperation on missile defense can greatly reduce the proliferation of ballistic missiles. It does so by directly devaluing the ballistic missile as an offensive weapon of terror. With missile defenses deployed, as in Operation Iraqi Freedom, an enemy can no longer be assured of success when considering a missile attack. It thus acts as a counterproliferation tool that forces our adversaries to think twice about investing billions of their scarce resources into ballistic missiles.

I commend President Bush for already taking the lead on international cooperation on missile defense. At his direction, the Pentagon is planning wide-ranging cooperative missile defense activities with the United Kingdom, Australia, Japan, Germany, Italy, other NATO allies, and friends. The Pentagon is also looking into other opportunities with Russia in the wake of the decision to cancel the Russian-American Observation Satellite, or what we refer to as the RAMOS Program.

Yet our Government has only limited experience with large-scale missile defense cooperation abroad. This limited experience has drawn out inefficiencies and problems that could limit cooperative missile defense programs. Here are two recent examples that have troubled me.

First, it took almost 6 months to execute the United States-Japanese cooperative program on the Aegis-based Standard Missile-3. This holdup was despite Japan's sterling nonproliferation reputation, a detailed United States and Japan memorandum of understanding, and a United States-Japanese exchange of diplomatic notes underpinning the MOU.

Similarly, for our joint operations centers in NORAD, where we conduct missile defense operator training and exercises, we require numerous special authorizations, taking months to review, to permit our industry experts to work with Canadian military operators already in place behind the computer

terminals providing missile defense early warning in Colorado Springs.

I believe we should be thinking beyond our own borders and begin looking at ways to assist our friends and allies. My amendment takes a small step forward in this direction. It still provides for a case-by-case review and permits a careful and close review of a transfer that might be of vital importance to our Nation. Perhaps most importantly, it upholds the virtue of our nonproliferation regimes and helps develop another counterproliferation tool for the President's use in the future.

I urge my colleagues to support this amendment.

I yield the floor.

Mr. INHOFE. Mr. President, will the Senator yield?

Mr. ALLARD. I will yield to the Senator from Oklahoma.

Mr. REID. Mr. President, I have no objection to the Senator speaking, but he has no right to yield to him.

The PRESIDING OFFICER. The Senator may yield for a question.

Mr. ALLARD. I yield to the Senator from Oklahoma for a question.

Mr. INHOFE. Well, I appreciate that. First of all, I appreciate all the Senator from Colorado has done in this field.

I say to the Senator, in your statement, when you talked about that some of our allies, some of our friends, such as the Japanese, might be more susceptible because of their proximity to North Korea, I remind my colleagues what happened 6 years ago this coming August when the North Koreans did in fact fire a multistage rocket that had the capability of reaching the United States of America. So that threat is still there for us.

I was going to ask my colleague a couple questions about his amendment. But if somebody else desires the floor, that is perfectly all right.

Mr. REID. Mr. President, I have no objection if the Senator from Oklahoma wishes to speak. I am simply going to offer a second-degree amendment.

Mr. INHOFE. I will ask one question. In your amendment, you talked about 30 days for considering technical assistance agreements and licenses. Will you explain what that 30 days is and the significance of that?

Mr. ALLARD. Well, the 30-day mandate is to emphasize the importance of considering these agreements and licenses for international cooperation on missile defense in a timely manner, not being dragged out forever and ever. Too often, applications for technical assistance programs and licenses for missile defense are held up for months at a time, causing our allies needless frustrations, in my view.

The process is so cumbersome for missile defense agreements and licenses that it takes weeks to get an application approval for something as simple as permitting the British Ministry of Defense officials to attend the Missile Defense Agency's annual conference we have here in DC.

We are trying to bring a stroke of common sense in our cooperation with our allies. There are cases, obviously, when more time is needed. So the judgment can be applied by the Secretary of Defense, as well as the Secretary of State, to use more time to determine the feasibility of extending licensing agreements to our allies.

What we are trying to reach is a proper balance. There are times when it is not necessary to delay this for extended times. Sometimes we may take longer because of the type of technology we are dealing with. We are trying to have a proper balance so we can adequately protect our technical systems, defense systems, as well as to have a format out here so we can work in an effective manner with our friends and allies.

Mr. INHOFE. I thank the Senator.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 3449 TO AMENDMENT NO. 3322

Mr. REID. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. LEVIN, proposes an amendment numbered 3449 to amendment No. 3322.

Mr. REID. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of Congress on the nonproliferation of ballistic missiles)

Beginning on page 2, line 4, of the amendment, strike "not later than 30 days" and all that follows through the end and insert "on an expedited basis, except in cases in which the Secretary of State determines that additional time is required to complete a review of a technical assistance agreement or related amendment or a munitions license application for foreign policy or national security reasons, including concerns regarding the proliferation of ballistic missile technology."

(2) STUDY ON COMPREHENSIVE AUTHORIZATIONS FOR MISSILE DEFENSE.—The Secretary of State shall, in consultation with the Secretary of Defense, examine the feasibility of providing major project authorizations for programs related to missile defense similar to the comprehensive export authorization specified in section 126.14 of the International Traffic in Arms Regulations (section 126.14 of title 22, Code of Federal Regulations).

(3) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall, in consultation with the Secretary of Defense, submit to the Committee on Foreign Relations and the Committee on Armed Services of the Senate and the Committee on International Relations and the Committee on Armed Services of the House of Representatives a report on—

(A) the implementation of the expedited procedures required under paragraph (1); and  
(B) the feasibility of providing the major project authorization for projects related to missile defense described in paragraph (2).

(b) DEPARTMENT OF DEFENSE PROCEDURES FOR EXPEDITED REVIEW OF LICENSES FOR THE TRANSFER OF DEFENSE ITEMS RELATED TO MISSILE DEFENSE.—

(1) PROCEDURES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of State, prescribe procedures to increase the efficiency and transparency of the practices used by the Department of Defense to review technical assistance agreements and related amendments and munitions license applications related to international cooperation on missile defense that are referred to the Department.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on International Relations of the House of Representatives a report—

(A) describing actions taken by the Secretary of Defense to coordinate with the Secretary of State the establishment of the expedited review process described in subsection (a)(1);

(B) identifying key defense items related to missile defense that are suitable for comprehensive licensing procedures; and

(C) describing the procedures prescribed pursuant to paragraph (1).

(c) DEFINITION OF DEFENSE ITEMS.—In this section, the term "defense items" has the meaning given that term in section 38(j)(4)(A) of the Arms Export Control Act (22 U.S.C. 2778(j)(4)(A)).

#### SEC. 1069. POLICY ON NONPROLIFERATION OF BALLISTIC MISSILES.

(a) POLICY.—It is the policy of the United States to develop, support, and strengthen international accords and other cooperative efforts to curtail the proliferation of ballistic missiles and related technologies which could threaten the territory of the United States, allies and friends of the United States, and deployed members of the Armed Forces of the United States with weapons of mass destruction.

(b) SENSE OF CONGRESS.—(1) Congress makes the following findings:

(A) Certain countries are seeking to acquire ballistic missiles and related technologies that could be used to attack the United States or place at risk United States interests, forward-deployed members of the Armed Forces, and allies and friends of the United States.

(B) Certain countries continue to actively transfer or sell ballistic missile technologies in contravention of standards of behavior established by the United States and allies and friends of the United States.

(C) The spread of ballistic missiles and related technologies worldwide has been slowed by a combination of national and international export controls, forward-looking diplomacy, and multilateral interdiction activities to restrict the development and transfer of such weapons and technologies.

(2) It is the sense of Congress that—

(A) the United States should vigorously pursue foreign policy initiatives aimed at eliminating, reducing, or retarding the proliferation of ballistic missiles and related technologies; and

(B) the United States and the international community should continue to support and strengthen established international accords and other cooperative efforts, including United Nations Security Council Resolution 1540 and the Missile Technology Control Regime, that are designed to eliminate, reduce, or retard the proliferation of ballistic missiles and related technologies.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 3292

Mr. REID. Mr. President, I ask unanimous consent that the amendment that is now pending be set aside and that I be allowed to call up Senator LEAHY's amendment No. 3292.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. LEAHY, proposes an amendment numbered 3292.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend title 18, United States Code, to prohibit profiteering and fraud relating to military action, relief, and reconstruction efforts)

At the appropriate place, and insert the following:

#### SEC. \_\_\_\_\_. WAR PROFITEERING PREVENTION.

(a) PROHIBITION OF PROFITEERING.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

#### “§ 1038. War profiteering and fraud relating to military action, relief, and reconstruction efforts

“(a) PROHIBITION.—

“(1) IN GENERAL.—Whoever, in any matter involving a contract or the provision of goods or services, directly or indirectly, in connection with the war, military action, or relief or reconstruction activities in Iraq, Afghanistan, or any other country in which members of the United States Armed Forces are engaged in any military or combat activities, knowingly and willfully—

“(A) executes or attempts to execute a scheme or artifice to defraud the United States or Iraq, Afghanistan, or such other country;

“(B) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

“(C) makes any materially false, fictitious, or fraudulent statements or representations, or makes or uses any materially false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; or

“(D) materially overvalues any good or service with the specific intent to excessively profit from the war, military action, or relief or reconstruction activities in Iraq, Afghanistan, or such other country,

shall be fined under paragraph (2), imprisoned not more than 20 years, or both.

“(2) FINE.—A person convicted of an offense under paragraph (1) may be fined the greater of—

“(A) \$1,000,000; or

“(B) if such person derives profits or other proceeds from the offense, not more than twice the gross profits or other proceeds.

“(b) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over an offense under this section.

“(c) VENUE.—A prosecution for an offense under this section may be brought—

“(1) in accordance with chapter 211;

“(2) in any district where any act in furtherance of the offense took place; or

“(3) in any district where any party to the contract or provider of goods or services is located.”.

(b) TABLE OF SECTIONS.—The table of sections for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

“1038. War profiteering and fraud relating to military action, relief, and reconstruction efforts.”

(c) CIVIL FORFEITURE.—Section 981(a)(1)(C) of title 18, United States Code, is amended by inserting “1038,” after “1032.”.

(d) CRIMINAL FORFEITURE.—Section 982(a)(2)(B) of title 18, United States Code, is amended by striking “or 1030” and inserting “1030, or 1038”.

(e) MONEY LAUNDERING.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting “section 1038 (relating to war profiteering and fraud relating to military action, relief, and reconstruction efforts),” after “liquidating agent of financial institution),”.

AMENDMENT NO. 3307

Mr. REID. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I call up amendment No. 3307.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3307.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require that any plan for compensation to individuals in military prisons in Iraq include provisions for compensation to former prisoners of war held by the regime of Saddam Hussein)

At the end of subtitle F of title X, insert the following:

#### SEC. 1055. COMPENSATION FOR FORMER PRISONERS OF WAR.

Any plan of the Secretary of Defense to provide compensation to an individual who was injured in a military prison under the control of the United States in Iraq shall include a provision to address the injuries suffered by the 17 citizens of the United States who were held as prisoners of war by the regime of Saddam Hussein during the First Gulf War.

Mr. REID. Mr. President, this amendment is very straightforward. The Secretary of Defense, in testimony to Congress several weeks ago, said that he is looking at ways to compensate the Iraqi nationals who were abused in American run prisons. I have no doubt that that may be appropriate, but as the Defense Department considers its compensation plan, we should not forget about the American servicemen who were tortured and brutalized in this same prison, the Abu Ghraib prison, during the first Gulf War. I know many of my colleagues will remember the 17 American servicemen—including Colonel Jeff Tice from Las Vegas—who were captured and subjected to weeks of torture, beatings, electrocutions, starvation, and other despicable acts ordered by Saddam Hussein and carried out by the Iraqi intelligence service.

The Federal Government, unfortunately, has turned its back on these heroes. Instead of working with them to deliver some means of compensation for their many injuries,—in fact, the

money at one time was Saddam Hussein's money—the Bush administration has been outmaneuvering them at every turn, fighting them in court, moving to vacate earlier judgments they received, and trying to quash any efforts to bring them some relief. In fact, just last week the judgment was rescinded.

I regret to say that the Justice Department has been ineffective, prevailing on the American POWs in this recent court of appeals case. The American POWs are back to square one. They have nothing except the permanent wounds which they suffered in Saddam's prisons.

My amendment says that as the Secretary develops the compensation plan for the Iraqi nationals, he also needs to include a provision which addresses the injuries suffered by brave American prisoners of war. I don't know what the provision will say or should say, but the Defense Department cannot continue to turn its back on the brave men we sent into battle. I welcome their entry into this debate. They have been silent about this issue for too long. Nothing about this amendment prevents the Iraqis from being compensated; it just asks for some fairness. Our own brave service men and women are entitled to it.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, before we started addressing the bill, the Senator from Nevada and I discussed this matter. I think we can work on this one. But the other amendment—I do not recall your mentioning that you were going to bring up a Leahy amendment.

Mr. REID. I did not specifically mention that. I said I would be offering an amendment. Senator LEAHY will not be here until Wednesday, so he asked that I lay it down. He will not be in the Senate until Wednesday. He has a personal situation that does not allow him to be here until the day after tomorrow. He asked me last week to do this.

Mr. WARNER. So there will be no further addressing of that amendment until Wednesday.

Mr. REID. Senator LEAHY will not be back until Wednesday.

Mr. WARNER. But you felt the necessity to it put it down now.

Mr. REID. Yes. He has been waiting around. He wanted to lay it down after Senator KENNEDY, but, of course, with the circumstances we have had, he has been unable to do that. The only amendment I did discuss with you was mine. I didn't discuss Senator DODD's.

Mr. WARNER. I understand. I discussed it with the Senator from Connecticut.

Mr. REID. I thought we were trying to get some amendments down. Some of them, the managers will decide, along with the leadership, as to votes that may even take place this evening. We can pick and choose what will be done with these other amendments. The only thing I mentioned to the distinguished chairman of the committee

is that it is our understanding the junior Senator from Idaho is going to lay down an amendment, which we have no objection to his laying that down, but we would not want to vote on that until there is a side-by-side with Senator CANTWELL. That is the issue that has held up this bill for some time.

Mr. WARNER. Mr. President, the distinguished leader made that very clear to me. It is just the Leahy amendment which caught me somewhat unprepared. I would hope I would have a chance to look at it.

Mr. REID. If the Senator is concerned, I would be happy to discuss this prior to laying down any future amendments.

Mr. WARNER. I would hope so.

Mr. REID. Senator LEAHY has been very patient.

Mr. WARNER. I am not suggesting that anyone else has been impatient. It is just the first we have heard of it. I would hope to have, as a matter of comity, an amendment from this side and an amendment from that side, and we would go back and forth and not have too many up here, gatekeepers to hold, have to lay them all aside seriatim.

Mr. REID. Maybe I should have waited until you offered one on the Republican side before I offered mine.

Mr. WARNER. The distinguished leader and I have never had a problem we could not work out. If this is a problem, we will work it out.

Mr. REID. Our next amendment will be by the senior Senator from Connecticut.

Mr. WARNER. I understand. We are prepared to address that amendment. For the moment, I will take a look at the Leahy amendment and figure out if there is a problem, and then I will bring it to the Senator's attention.

I turn now to the Senator from Colorado, his second-degree amendment. Is he prepared to address that?

Mr. ALLARD. Mr. President, I haven't had an opportunity to review this particular amendment that I understand has just been laid down to my amendment, and I need a little time to review that. I did have another amendment that we are sharing with the other side, expecting them to introduce another amendment. I am going to have to take some time here and look at this particular amendment because I have not seen this amendment.

Mr. WARNER. I fully understand that. So that we can then have the efficiency of time, perhaps the Senator from Connecticut could then move to introduce his.

#### AMENDMENT NO. 3312, AS MODIFIED

Mr. DODD. Mr. President, I would be glad to. I am impressed by the distinguished chairman's indulgence and patience as we wander through this maze of amendments. I believe I have to ask unanimous consent to set aside the pending amendment, and I make such a request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I call up amendment No. 3312 and send a modification of that amendment to the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD] proposes an amendment numbered 3312, as modified.

Mr. DODD. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Secretary of Defense to provide reimbursement for certain protective, safety, or health equipment purchased by or on behalf of members of the Armed Forces for deployment in connection with Operation Noble Eagle, Operation Enduring Freedom, or Operation Iraqi Freedom)

At the end of subtitle G of title X, add the following:

#### **SEC. 1068. REIMBURSEMENT FOR CERTAIN PROTECTIVE, SAFETY, OR HEALTH EQUIPMENT PURCHASED BY OR FOR MEMBERS OF THE ARMED FORCES FOR DEPLOYMENT IN OPERATIONS IN IRAQ AND CENTRAL ASIA.**

(a) REIMBURSEMENT REQUIRED.—(1) Subject to subsections (c) and (d), the Secretary of Defense shall reimburse a member of the Armed Forces, or a person or entity referred to in paragraph (2), for the cost (including shipping cost) of any protective, safety, or health equipment that was purchased by such member, or such person or entity on behalf of such member, before or during the deployment of such member in Operation Noble Eagle, Operation Enduring Freedom, or Operation Iraqi Freedom for the use of such member in connection with such operation if the unit commander of such member certifies that such equipment was critical to the protection, safety, or health of such member.

(2) A person or entity referred to in this paragraph is a family member or relative of a member of the Armed Forces, a non-profit organization, or a community group.

(b) COVERED PROTECTIVE, SAFETY, AND HEALTH EQUIPMENT.—(1) Subject to paragraph (2), protective, safety, and health equipment for which reimbursement shall be made under subsection (a) shall include personal body armor, collective armor or protective equipment (including armor or protective equipment for high mobility multipurpose wheeled vehicles), and items provided through the Rapid Fielding Initiative of the Army such as the advanced (on-the-move) hydration system, the advanced combat helmet, the close combat optics system, a Global Positioning System (GPS) receiver, and a soldier intercommunication device.

(2) Non-military equipment may be treated as protective, safety, and health equipment for purposes of paragraph (1) only if such equipment provides protection, safety, or health benefits, as the case may be, such as would be provided by equipment meeting military specifications.

(c) LIMITATIONS REGARDING DATE OF PURCHASE OF EQUIPMENT.—(1) In the case of armor or protective equipment for high mobility multipurpose wheeled vehicles (known as HUMVEEs), reimbursement shall be made under subsection (a) only for armor or equipment purchased during the period beginning on September 11, 2001, and ending

on July 31, 2004 or any date thereafter as determined by the Secretary of Defense.

(2) In the case of any other protective, safety, and health equipment, reimbursement shall be made under subsection (a) only for equipment purchased during the period beginning on September 11, 2001, and ending on December 31, 2003 or any date thereafter as determined by the Secretary of Defense.

(d) LIMITATION REGARDING AMOUNT OF REIMBURSEMENT.—The aggregate amount of reimbursement provided under subsection (a) for any protective, safety, and health equipment purchased by or on behalf of any given member of the Armed Forces may not exceed the lesser of—

(1) the cost of such equipment (including shipping cost); or

(2) \$1,100.

(e) OWNERSHIP OF EQUIPMENT.—The Secretary may provide, in regulations prescribed by the Secretary, that the United States shall assume title or ownership of any protective, safety, or health equipment for which reimbursement is provided under subsection (a).

(f) FUNDING.—Amounts for reimbursements under subsection (a) shall be derived from amounts any amounts authorized to be appropriated by this Act.

Mr. DODD. Mr. President, I will go through and explain what this amendment does. At the outset of my remarks, let me begin by commending the distinguished Senator from Virginia, the chairman of the Armed Services Committee, and Senator LEVIN of Michigan. The amendment I am raising here has been in many ways addressed by actions taken by the Armed Services Committee. I begin my comments by commending the chairman and the ranking member for the tremendous job they have done of improving what was a request by the administration in the area I am going to cover. I commend them as well for other matters but particularly on this point.

Like all of my colleagues, without regard to party or ideology, we have been concerned over the last number of months with the increasing number of reports that our men and women in uniform have had to dig deep into their own pockets to pay for their own safety equipment. Most disheartening have been the news accounts of men and women in uniform having to buy their own body armor here at home or having it bought for them by their loved ones before they deploy to Iraq and Afghanistan or while they have been on duty.

There are stories like that of SPC Bill Palifka, a member of the Connecticut National Guard's 248th Engineering Company which was stationed in the west of Baghdad last year. He learned shortly before deploying that his unit wouldn't have the interceptor vests that it needed in order to be safe in Iraq. So his mother Pene, from East Hartford, CN, went out and bought a vest for \$1,100 from a private company.

These stories, unfortunately, have been all too common, as this chart shows. I brought up the news article from the New York Times, reported just 3 weeks ago, an article entitled "Bulletproof Vests Collected To Help A Son's Unit in Iraq." A New Jersey couple solicited donations of body armor

from the New Jersey City police so their son could lay down protecting vests on the floor of his Humvee, currently in Iraq. I quote:

Before his unit shipped from Kuwait to Iraq in March, First Lt. Christian Boggiano, 23, made a special appeal to his mother, Mary, by e-mail message. Please, he asked, scrounge around for a few old police bullet-proof vests and mail them to [me]. "Once I get up north, we'll use them on the doors and floors of the Humvees so that when roadside bombs go off, they'll catch a lot of shrapnel."

This is what the young lieutenant wrote to his parents, a 2002 graduate of West Point.

The Jersey Police Department and about 50 other police departments across New Jersey came through for Lt. Boggiano.

His unit came through in ways our Government did not.

In my mind, no U.S. soldier should have to get his mother or father to help send body armor for his missions in Iraq. But people like Mr. and Mrs. Baggiano and the good citizens associated with New Jersey police departments were driven to act. Why? Because there was a critical need to fully equip our troops. Unfortunately, Lt. Baggiano is not alone. A USA Today article recently reported on the village of Foley, AL, which held fundraisers, and eventually raised enough money to build and assemble their own protective steel armor for the Humvees of the AL National Guard's 711th Signal Battalion Charlie Company. That community should be commended. But this situation seems ludicrous to me. Our troops and their loving neighbors should not be spending their own money to make sure our soldiers can have the protection they need.

For this reason, I am introducing an amendment today that will give our troops the support they deserve. My amendment will require the Secretary of Defense to reimburse soldiers, loved ones, and nonprofit organizations who have dug deep into their own pockets to provide our troops with the equipment their Government should have provided them all along. This amendment will serve the health, safety, and protection of our soldiers, covering expenditures on items such as body armor, vehicle protection, hydration equipment, advanced combat helmets, and other gear needed to serve our troops in Iraq and Afghanistan.

Not a day goes by when we don't hear of an incident in Iraq where a so-called "improvised explosive device" or IED, has detonated, killing or maiming some of our brave men and women. At the outset of our post-war operations, it was reported that nearly one-quarter of American troops serving in Iraq did not have ceramic plated body armor, which can stop bullets fired from assault rifles and shrapnel. It took months and hundreds of U.S. casualties before the administration finally changed its priorities and decided to outfit all our deployed troops with the most modern interceptor body armor,

and to outfit their vehicles with protective armor.

In addition, according to the Army, soldiers have been spending upward of \$300 per person on equipment to outfit themselves for war. In response, the Army established the "Rapid Fielding Initiative" designed to outfit our soldiers with the most modern equipment available so that they do not have to spend their own money on the latest combat helmets or hydration systems. With this program, our soldiers—many of whom are less than the age of 21, making under \$20,000 a year—will have the right gear for their mission, and they won't have to dig deep into their own pockets to buy their own equipment. But unfortunately, not all of our soldiers in Iraq have access to this program, because in the past, it hasn't been fully funded. That needs to be remedied, and my amendment will make sure that our troops don't have to shell out their own money to get the Camelbak hydration systems, advanced combat helmets, and proper clothing they need to do their jobs.

This chart shows what an average foot soldier is wearing in Iraq—60 pounds of body armor plus tactical equipment in the hot desert heat, heavy Kevlar vests, high-tech GPS compass gear, special frame backpacks, and other survival gear. In 120 degrees, carrying all of this equipment becomes quite burdensome, and has made special hydration systems necessary for our troops to safely survive the desert heat. Water-pack systems called Camelbaks are now being attached to soldiers' backpacks, to allow them easy access to water even while they are in patrolling the streets of Iraq. And let's be honest about this. Camelbaks are no longer a matter of convenience. If a soldier has to stop moving to take out his canteen for a sip of water, he may be a sitting duck for a sniper or insurgent fire.

Unfortunately, with a shortage of funds, the Army cannot afford to equip all its soldiers with this kind of equipment, so many soldiers are still using bulky canteens that quickly heat up in the desert sun. Most of the canteens do not have adequate capacity to carry all the water they need in Iraq's extreme heat. In other cases, soldiers are paying hundreds of dollars out of their own pocket to buy the equipment themselves, everything ranging from these Camelbaks to radios, because, in spite of the Army's stated priorities, the administration did not procure enough personal equipment for our fighting men and women. We need to do better than this.

I want to commend the Armed Services Committee for recognizing the importance of this program as well as that of critical body armor systems. I was pleased to see the Senate Armed Services Committee override the President's considerably low budget request for force protection. Under the leadership of Senators WARNER and LEVIN, the Armed Services Committee in-

creased the Rapid Fielding Initiative from the Bush administration's requested \$57.2 million to \$262 million. They also demonstrated their usual good sense and further added to the President's considerably low-budget request for personal body armor and armored vehicles. The Army told Congress the President's budget was short-changing them by \$295 million in interceptor body armor. And the Marines said they would be short \$16.6 million if the Bush budget were to prevail. In spite of the President's proposals, the committee fully funded those programs.

In addition, \$905 million was put toward the Stryker armored vehicles that are already proving valuable in military operations in Iraq. Almost \$1.1 billion, an increase of \$927 million over the President's proposed budget, was used to accelerate procurement of up-armored humvees, as well as add-on ballistic armor for medium and heavy trucks, to protect our troops on patrol in hostile environments. As a result of these provisions, critical resources will be sent to our troops to enhance their safety while in harm's way.

I applaud these efforts. I know some of my colleagues will suggest that because the committee has now funded these programs, my amendment is unnecessary. Or, as I have already been hearing, perhaps they will say that we are encouraging our troops to go out and buy new equipment since we'll just reimburse them in the end. I have the official DOD position paper with talking points opposing my amendment. I would like to address each of the issues raised, point by point.

First, DOD says, "the amendment may not support the purchase of the proper equipment. The DOD spends millions to test and procure the needed protective, safety, and health equipment for our service members. The DOD will have no way of knowing what testing personally procured items went through or whether the equipment is effective." This seems to be an unreasonable argument. In spite of the millions DOD spent on testing equipment, the fact remains that they failed to outfit our soldiers with the gear they needed. The Department acknowledged as much, saying that our soldiers did not receive enough personal body armor until January of this year and will still not have adequately armored vehicles until July. In my modified amendment, we say that a soldier's company commander has the discretion to decide which protective gear would be appropriate for reimbursement. These commanders on the ground know our soldiers' needs the most. And it makes sense for them to be the ones determining what equipment the soldiers lacked when they headed over to Iraq and Afghanistan. This addresses another concern DOD seems to have that my amendment is somehow too broad—this amendment says that if and only if a soldier purchased an item that he absolutely



needed, according to the most knowledgeable soldiers in the field, he will be reimbursed for that item.

DOD's talking points also suggest that my amendment will encourage service members and their loved ones to purchase equipment on their own outside this accountability with the exception of receiving future reimbursement." That is absolutely misleading.

This amendment only applies to purchases made during finite periods, and by the Army's own admission they had not provided adequate supplies to our troops. This amendment only applies to purchases for personal body armor and other safety equipment that can be made only for the period between September 11, 2001, and December 31, 2003. For purchases to provide Humvee protection, claims can be made only for the period of September 11, 2001, and July 31, 2004.

We allow an exception to that if the Army decides they will have all the necessary equipment by these dates. If for some reason they are unable to do it, we do not need to come back with another amendment. It seems to me we ought to leave it up to the military people to decide. If they are not able to meet the dates, then they have authority to reimburse later. I leave that up to them to avoid any future need of talking about this issue on the floor of the Senate. We are dealing with finite periods. It is the field commanders who make the decisions.

Finally, to address the charge my amendment sets an unmanageable precedent that the DOD claims will saddle the Department of Defense with an open-ended financial burden, we also modified the amendment to set a \$1,100 cap on money that can be reimbursed for purchases made on behalf of any one individual. I was going to make it \$1,000. I changed it to \$1,100. Candidly, a family in Connecticut paid \$1,100 for the vest their child needed while in combat. So we made the cap at that level. I believe, therefore, my colleagues will find this proposal more reasonable and, most importantly, necessary. It is a finite period of time, there are individual caps on the amount that can be reimbursed, field commanders would make the decision, and any extension of time would have to come from a unilateral decision by the Department of Defense.

I think it is reasonable. If people went out, such as my constituents or in communities in New Jersey or towns in Alabama and provided additional protection for our service men and women, the very least, it seems to me, we can do is reimburse their individual soldiers, their families, or the organizations that provided that protection.

I, again, think we all understand how these things can happen. Certainly, there should have been better preparation to see to it these young men and women would have all the protection necessary, but for a variety of reasons, which we do not need to pore over,

they were not. And by the Department of the Army's own admission, we were not able to provide that body armor until December 31 of last year. So there is a gap of almost 2 years where people were acquiring that equipment, and up until July of this year, the Humvee protections will not be in place.

I do not think it is asking too much during a finite period of time for a limited amount of money, where field commanders make the decisions, that we cannot say to these families: Show us the proof of what you paid for this equipment, let the field commanders decide, and if you meet those tests, then your Government is going to say you should not have to dish out money from your own pockets, particularly when we are talking about 21-year-old kids making \$20,000 a year, where they may have invested \$1,000 in decent vests to protect from IEDs and other attacks occurring on the dangerous streets of Iraq and Afghanistan.

I believe this is a reasonable proposal we have offered. If we fail to adopt this amendment, I believe my colleagues and I will once again be forced to answer tough questions, as we all do, when we go back and meet our returning soldiers from the Guard and Reserve and their families in our respective States.

At every meeting I have had in the State of Connecticut with families of men and women serving in Iraq, this issue has come up: Why are we not providing the protection these men deserve?

I, along with General Cugno, my National Guard commander in Connecticut, tried to address these questions of how these things happen. I told him we would make an effort to see that any costs they incurred of these items would be reimbursed. They believe that is the right thing to do. I hope my colleagues do as well.

I know money is tight this year. We are facing enormous budget deficits. Again, I commend my friends and colleagues on the Armed Services Committee. Mr. President, they have done a very good job in beefing up the numbers that otherwise come from the Department of Defense and the White House, and by adding additional resources, they have made it possible to do this.

The amendment provides Secretary of Defense discretion to determine from which accounts moneys will be sought to reimburse our soldiers. One obvious place from which these moneys could be drawn is the \$2.5 billion contingency fund that was added by the Warner amendment a few days ago as part of the \$25 billion supplemental for operations in Iraq and Afghanistan.

That is my argument. That is the amendment. My hope is we will be able to adopt it without much fanfare. It seems to be a reasonable request to make on behalf of our men and women in uniform.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank our colleague. Let me say at the offset, he has been most cooperative in working on this amendment, and he recognizes the concerns the Department of Defense had and the staff for the majority had. We have determined that the Senator has met each and every one of those concerns with a modification to his original amendment. So I am prepared to indicate acceptance of that amendment, but I wish to engage the Senator from Connecticut in a short colloquy.

This is a most unusual type of situation, Mr. President. We had the call-up of a number of reservists, units put together rather hurriedly in some instances. As the Department of Defense—most specifically the Army—stated, some errors were made, but I do not believe, as I listened very carefully to the Senator's presentation, that the total number of errors is very large.

I do not find that it was a widespread situation. I say that only to indicate to the American public that following that unusual type of amendment, which is necessary and we are prepared to accept it, but I do not want to leave the impression with the American public that our commander, starting with the Commander in Chief, the President, sent men and women into harm's way where there was a widespread lacking of the necessary equipment to give them the protections needed.

The concept of the use of body armor has been evolving over the years. It is now proven to have been very successful in the operations in Afghanistan and Iraq. The orders the Army had placed somewhat fell short, as the Senator said, over a period of time last fall. Our committee, indeed the other means of financing—I think some of the money in the supplemental that the Congress has adopted went to provide the necessary funds, but it was not a widespread situation. I think the Senator would concur with me on that point; would he not?

Mr. DODD. Mr. President, if my colleague will yield, I certainly do not disagree. I do not know the numbers myself. Others may have more detailed information. We know there were some large stories—I do not have all of them here. There have been widespread reports of it.

I accept in part what my colleague has said, that it would be unnecessary for massive amounts of this kind of armor. There was an anticipation about a different reception after the military victory in Iraq. We discovered otherwise. Of course, somebody argued we should have anticipated that. Nonetheless, there was concern.

I am not prepared to make a case here that this is terribly widespread. I do not know that. I do know there were enough examples of it that I thought it warranted an issue.

I point out, again—I say this to my friend and Senator LEVIN as well—my colleagues have done a terrific job. There is a difference in this budget between what was sent and what the

committee is asking us to support when it comes to these issues, and the significant increase, from \$57 million to \$262 million for buying additional equipment, is a significant amount of money. I commend both Senators for doing that.

There were other areas where additional resources were provided by the committee that were not otherwise requested by the DOD. I applaud my colleagues for that. I do not know what the numbers reflect in terms of widespread use. The committee did a very good job, and, as I said at the outset, I commend you immensely for having recognized this issue and jumped into the void so that today it looks as though, based on assessments, by July 31 of this year the issue involving the Humvees will be addressed, and back in December of last year the issue looks as if it was addressed in terms of body armor. So we cover those periods where there apparently was a lack of resources.

I do not think the issue would have come to closure if it had not been for the Senator from Virginia, and I also say this to my colleague from Michigan. It made a significant difference, and I thank my colleagues immensely on behalf of my constituents and literally thousands of soldiers serving in dangerous places.

Mr. WARNER. I thank my colleague for his statement. I would like to address the Humvees because our committee had a special session on that issue. We should understand the Humvee was designed at the time to meet the array of weaponry and other types of threats to it.

The proliferation, primarily in the campaign in Iraq, of the use of buried munitions in the roadway activated by a series of electronic ways, or hand operated, this proposed a challenge because the explosion came up beneath the vehicle. I think in a timely way we started to address that by putting armor on certainly the Humvees and leaving others without armor. One might ask: Well, why is that? It is because once the armor is added, the maneuverability of the particular vehicle that is armored becomes quite limited and that limits its tactical role.

Consequently, the Army thought, and I agree with the Army on this, they needed inventories of both armored and unarmored Humvees. It got to be a misperception across the land that we were not providing adequate armor for our men and women when, in fact, we were, but we had to have the two different inventories and, depending on which vehicle was being used in an operation, problems could arise.

So I am prepared on this side to accept the amendment.

Mr. DODD. Mr. President, I thank my colleague, but I had hoped, if he would not object, we could ask for a rollcall vote because we will be looking to vote anyway, and this would help the conference as a whole. I know we want to move things along.

Mr. WARNER. Certainly the Senator has a right to request it.

Mr. DODD. I would like to respect my friend from Virginia.

Mr. WARNER. I was wondering if, as we go further into the afternoon, depending on the number of votes, we could vitiate the vote, although I recognize the Senator has a perfect right to ask for the vote.

Mr. DODD. That is a reasonable request. I will ask for one and we can vitiate it later.

Mr. WARNER. That is a prudent way to proceed.

Mr. DODD. I ask for the yeas and nays on the Dodd amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

Mr. WARNER. Now we will turn to this side of the aisle for an amendment and then come back to the other side.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I rise today with the intention of calling up amendment No. 3223 to S. 2400, but rather than calling up that amendment, since my intention was to withdraw it, I will make a few comments on it.

I preface my comments by stating something to which no Member of the Senate will disagree, and that is that the way our Nation uses the Reserve components of the U.S. military has fundamentally changed over the last 15 years. Reserve components have changed from a "force in reserve" to an absolutely essential component of the warfight. Almost every operation the military engages in today, and career field in the Army, Navy, Air Force, and Marine Corps are represented by our Guard and our Reserve.

The Reserve components are now and continue to become a true operational reserve without which our military cannot operate. This is reflected primarily in the rate of deployments and mobilizations of the Reserve components. This rate of utilization, which has increased three or fourfold over the last decade, necessitates that we reexamine the way we manage the Reserve.

The Department of Defense has made changes in this area by improving the process of training and equipping the Reserve and supporting changes in personnel policies that improve quality of life for members of our Reserve.

I would say with respect to that, last year in the Defense authorization bill we made some changes. Some of them seemed fairly minimal, such as allowing our Guard and Reserve members, while they were not on active duty, to have access to commissaries. This seemingly innocent act on our part was a huge benefit to our Guard and Reserve members who had the availability of commissaries when they were on active duty, but now they have it full time. Particularly, those who are close to military installations have the availability of services they simply did

not have before, and it has been a huge morale booster for our Guard and Reserve members.

With the possible exception of the TRICARE issue, though, the changes that we have made have been at the margins. I believe we need to reexamine the personnel policies for the Reserve components based on the fact that the way we use them has fundamentally changed.

As the chairman of the Armed Services Committee Subcommittee on Personnel and co-chairman of the Senate Reserve Caucus, this is an issue I have wrestled with considerably and want to be sure that we account for as we provide oversight of the personnel policies of the Department of Defense.

My amendment follows closely a bill that my colleague from Georgia, Senator ZELL MILLER, introduced several months ago. I, along with Senators COCHRAN, DEWINE, MURKOWSKI, COLLINS, and BEN NELSON, joined Senator MILLER in cosponsoring this bill. My amendment would lower the age at which members of the Reserve component could collect retirement pay based on the philosophy of a reduced annuity. The amount of retirement pay would be reduced by a small percentage for each year below the age of 60 that a member chose to collect their retirement—very similar to the way Social Security benefits are reduced if a beneficiary determines they want to retire following the achievement of age 62.

According to CBO, this provision would cost approximately \$5 billion over 5 years.

There are several other bills pending before the Senate that would change the retirement plan for reservists. In fact, I understand the Senator from New Jersey, Mr. CORZINE, may introduce an amendment this week that would reduce the age at which members of the Reserve could collect retirement from age 60 to age 55 with no corresponding reduction in the annuity. According to CBO, this amendment would cost more than \$8 billion over 5 years.

The Senator from Louisiana, Ms. LANDRIEU, has also introduced a bill that would reduce the age to 55 but require a reservist to stay in the Reserve longer in order to receive pay earlier.

All of these bills have merit. All of them deserve to be debated. However, all of them, including my own, carry a significant financial cost. What we have to do is try to balance, particularly in the middle of a war that we are now engaged in, whether we want to utilize our funds to provide weapons systems to our men and women who are now in harm's way or whether we want to provide this kind of benefit which was not anticipated in the budget.

As I stand here today, there are three studies currently underway to address the issue of Reserve retirement. As I have already stated, there are many good ideas regarding how the retirement benefit for the Reserve and the

Guard should be changed, and they all have merit.

However, there are two important things about these various options that we do not know. The first is we do not have a firm idea of how much any of these options will cost. We have estimates from CBO to which I have already alluded. They are significant. Costing these various proposals requires predicting the way people are going to behave, and this is an inexact, difficult science.

Secondly, anytime one makes even a small change to something as large and complex as the military personnel process, it changes the entire system. A change in the Reserve retirement system will have effects both on the Reserve and Active-Duty retention, recruiting, and promotion opportunities within the ranks which we cannot foresee without examining the associated impacts very closely.

That is why, even though I have introduced an amendment on this issue, I do not believe that now is the best time to act on the issue. I think we should wait until the three reports currently underway are completed and we have additional data upon which to look at this issue and make a better evaluation.

With this in mind, as I said earlier, I am simply not going to offer my amendment today. Once we have the necessary data to show how the various proposals will impact the force and the cost implications, I look forward to revisiting this issue and dialoguing with the other Senators who have introduced bills or amendments on this issue and those who are concerned, as I am, about how we manage our Reserve components.

There is no more important issue facing the Personnel Subcommittee of the Senate Armed Services Committee than how we treat our men and women in uniform, and their families, because every day this is more a family issue and a family-oriented military. It is my hope that as we proceed with this bill over this week and as the committee entertains the legislation and policy changes in the coming months, that we keep the people at the receiving end of our decisions and deliberations foremost in our minds.

We will continue to include the members of the Reserve components in those deliberations and ensure the Senate adopts policies that work to their advantage, that are fiscally responsible, and that recognize the significant changes that have taken place in the Reserve over the past decade and a half.

I thank my colleague, the Senator from Nebraska, Mr. BEN NELSON, for his cooperation and his work as we have moved through the Personnel Subcommittee process over the last year in preparation for this bill. Senator NELSON feels the same way I do about our Guard and Reserve and was a cosponsor of a number of the amendments to which I have alluded.

I also thank the chairman and the ranking member. We have had dialogues about this issue within our committee, and without their support, guidance, and counsel, we would not be at the point we are with respect to quality-of-life issues that our men and women in both the Guard and the Reserve deserve and ultimately will receive once we enter into the budget process at the appropriate time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

AMENDMENT NO. 3305

Mr. WYDEN. Mr. President, I ask unanimous consent to call up amendment No. 3305, and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Oregon [Mr. WYDEN], for himself and Mr. DORGAN, proposes an amendment numbered 3305.

Mr. WYDEN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To impose a limitation on Department of Defense contracting for performance of acquisition functions closely associated with inherently governmental functions)

On page 194, after line 22, insert the following:

**SEC. 867. CONTRACTOR PERFORMANCE OF ACQUISITION FUNCTIONS CLOSELY ASSOCIATED WITH INHERENTLY GOVERNMENTAL FUNCTIONS.**

(a) LIMITATION.—(1) Chapter 141 of title 10, United States Code, is amended by inserting after section 2382 the following new section:

**“§2383. Contractor performance of acquisition functions closely associated with inherently governmental functions**

“(a) LIMITATION.—The head of an agency may enter a contract for the performance of acquisition functions closely associated with inherently governmental functions only if the Secretary determines that—

“(1) appropriate military or civilian personnel of the Department of Defense cannot reasonably be made available to perform the functions;

“(2) appropriate military or civilian personnel of the Department of Defense are—

“(A) to supervise contractor performance of the contract; and

“(B) to perform all inherently governmental functions associated with the functions to be performed under the contract; and

“(3) the contractor does not have an organizational conflict of interest or the appearance of an organizational conflict of interest in the performance of the functions under the contract.

“(b) DEFINITIONS.—In this section:

“(1) The term ‘head of an agency’ has the meaning given such term in section 2302(1) of this title, except that such term does not include the Secretary of Homeland Security or the Administrator of the National Oceanic and Atmospheric Administration.

“(2) The term ‘inherently governmental functions’ has the meaning given such term in subpart 7.5 of part 7 of the Federal Acquisition Regulation.

“(3) The term ‘functions closely associated with inherently governmental functions’ means the functions described in section 7.503(d) of the Federal Acquisition Regulation.

“(4) The term ‘organizational conflict of interest’ has the meaning given such term in subpart 9.5 of part 9 of the Federal Acquisition Regulation.”.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2382 the following new item:

“2383. Contractor performance of acquisition functions closely associated with inherently governmental functions.”.

(b) EFFECTIVE DATE AND APPLICABILITY.—Section 2383 of title 10, United States Code (as added by subsection (a)), shall take effect on the date of enactment of this Act and shall apply to—

(1) contracts entered into on or after such date;

(2) any task or delivery order issued on or after such date under a contract entered into before, on, or after such date; and

(3) any decision on or after such date to exercise an option or otherwise extend a contract for program management or oversight of contracts for the reconstruction of Iraq, regardless of whether such program management or oversight contract was entered into before, on, or after the date of enactment of this Act.

Mr. WYDEN. Mr. President, for a number of months I have been working with colleagues on both sides of the aisle—Senator COLLINS from Maine, Senator STEVENS, Senator WARNER—to try to get more oversight over the billions of dollars worth of contracts that have been and are being let to rebuild Iraq. I come to the floor today to offer an amendment with my colleague and friend, Senator DORGAN of North Dakota. We have discussed this amendment with Senator LEVIN and Senator WARNER.

What Senator DORGAN and I have found is a shocking system of so-called oversight with respect to the use of taxpayers’ dollars. With the nation facing rising deficits and scarce federal dollars for our many problems here at home, it is imperative that there be strong oversight over the use of taxpayers’ money. What our amendment deals with is literally the outsourcing of the oversight of the billions of dollars worth of contracts to rebuild Iraq. It sounds incredible, but the heart of the problem is, instead of having Federal employees oversee these billions of dollars worth of contracts to rebuild Iraq, the Department of Defense has outsourced the oversight of these huge contracts to private companies. These companies are “overseeing” the work of other private companies. If many of these companies didn’t already have joint ventures elsewhere or interlocking financial interests or boards of directors, I guess one could plausibly say this would be acceptable. But that has not been the case. Putting these companies in charge of oversight of one another strikes Senator DORGAN and me as simply an invitation to flagrant fraud, waste and abuse of taxpayer money.

Senator DORGAN is here as well, and I want to give him ample time to discuss this, but I would like to give a brief example of the kind of problem we seek to address in our legislation. The Parsons Company won two separate Defense Department oversight contracts that totaled nearly \$72 million. Under each of those contracts, it overseas the Fluor Company in Iraq. At the same time, Fluor and Parsons have a \$2.6 billion joint venture ongoing in Kazakhstan.

The question is, with such a significant shared financial interest, how in the world is anybody in a situation like that going to have a real incentive to take out a sharp pencil and protect the taxpayers.

We are talking about vast sums of money. \$18 billion has been allocated by the Congress for reconstruction, and thus far 17 contracts have been let: 10 for reconstruction and 7 for overseeing the reconstruction. I thank the distinguished Senator from Virginia for his cooperation on this amendment. As I discussed with him, this amendment builds on the work that I was able to do in cooperation with Senator DORGAN and Senator COLLINS on the issue of no-bid contracts in Iraq. This amendment establishes that oversight and the protection of the taxpayers' interests in these billions of dollars of contracts, is a Government function. It is not something that can be outsourced. This amendment will prohibit companies with interlocking financial interests from "overseeing" one another.

We talk often about giving the fox the opportunity to oversee the henhouse. This is a textbook case of just such a situation.

I mentioned to the distinguished chairman of the committee, the Senator from Virginia, and the ranking member of the committee, the Senator from Michigan, that this boils down to a simple issue of commonsense. This is not a Democrat or Republican issue. Senator DORGAN and I are pursuing this as a commonsense issue—oversight should not be outsourced, particularly when the projects to be reviewed involve billions of taxpayer dollars. What's worse—these are cost-plus-plus contracts. The contractors here get any unforeseen costs, plus they are eligible for a bonus. Essentially, these contractors are rewarded if the folks they oversee perform well. But who evaluates how well those folks perform? The oversight contractors. Clearly, there are some perverse incentives at work in these oversight contracts.

We are talking about cost-plus-plus contracts that involve billions of taxpayers' dollars. It seems to me we have to get the oversight back where it belongs, and that is in the hands of the Department of Defense and not in the hands of the private contractors. Oversight is inherently a governmental function because accountability must be first and foremost to taxpayers.

I see my friend and colleague from North Dakota here. I want to yield

time to him. But in wrapping up this portion of my remarks, I would like to express my appreciation to the Senator from Michigan, Mr. LEVIN, and to the chairman of the committee, Senator WARNER. This amendment, in fact, builds on some of the earlier work we have tried to do in a bipartisan fashion. It essentially comes about because, as Senator DORGAN and I have gone forward to try to make sure taxpayers' interests are protected, we found a massive loophole, a loophole that we think nobody in the Senate confronted in the past, that allows for private companies to oversee other private companies, even when they have what strikes us as very serious potential conflicts of interest.

So we are looking forward, with Chairman WARNER and Ranking Member LEVIN's cooperation, to have this amendment accepted. I believe it warrants bipartisan support.

I yield the floor.

Mr. WARNER. Mr. President, I have looked this over and I am of the opinion that it can be eventually accepted. I am wondering if the colleagues would just allow the Chair to put in a quorum call for no more than 5 minutes, and then I will be right back to the floor to address this amendment.

Mr. DORGAN. Mr. President, it was my intention to speak in favor of the amendment prior to that.

Mr. WARNER. I am very anxious to hear that. My requirement is to depart the floor to check on something and I will be right back.

Mr. DORGAN. At which point I would be recognized?

Mr. WARNER. Absolutely. I have no objection to that.

Mr. DORGAN. I am agreeable to that.

Mr. WARNER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I now understand that the amendment will be accepted in due course, but I am anxious to hear the perspectives of the other cosponsor. I thank my colleagues for their courtesy.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I join my colleague, Senator WYDEN, in working on this amendment.

Let me say first that, as many know, I did not support the funding for reconstruction projects in Iraq with American taxpayers' money. My feeling was, if we were going to use American taxpayers' money to build children's hospitals and restore marshland and swampland, or to purchase garbage trucks, or to have a roads or jobs program, it ought to be done in this country—not Iraq. I felt strongly that the

ability to fund the reconstruction in Iraq could easily come from Iraq oil.

It is true they are not pumping quite as much as they had anticipated by July 1 or June 1 of this year, but it is also true that the price is near double what they expected—359 million barrels a day, which is what they intend to get. They will have a substantial amount of excess income over that which they need for Iraq and could easily pay for the reconstruction of Iraq. It is estimated that \$160 billion in a 10-year period is the export value of Iraqi oil generated for the country of Iraq. But, nonetheless, the administration and a majority in the Senate and the Congress decided that U.S. taxpayers should fund the reconstruction in Iraq.

The only cut in the reconstruction proposal of some \$20-plus billion—the only cut in expenditures of that proposal—was offered by Senator WYDEN and myself. We cut \$1.8 billion from it with an amendment on the floor of the Senate which included cutting \$100 million for gasoline that was being transported.

Incidentally, I held a hearing on that in the policy committee. We had the person who was in charge of delivering gasoline from the Department of Defense to projects such as this, and he said that the contract for the delivery of gasoline into Iraq was costing \$1 more a gallon than would have been delivered into Iraq by the agency in the Department of Defense which normally does that.

Having said all that—pointing out we were the only ones cutting funding for the reconstruction projects—the Congress still passed that reconstruction project of nearly \$18 billion in U.S. taxpayer funds for the reconstruction in Iraq.

My concern—and I think the concern expressed by my colleague from Oregon—is that money be spent effectively and wisely and not wasted. If it is going to be spent—and I did not think this was the way to do it—but if it is going to be done, let us make sure it is not wasted.

The Pentagon announced that it wants to fund it and has already signed and implemented contracts to fund \$121 million for outsourcing the oversight of these reconstruction contracts.

There is plenty going on in Iraq that ought to give us pause with respect to contractors. This is not a reconstruction contract. But you know what we know now about the Halliburton corporation charging the Federal Government for 42,000 meals a day and serving 14,000 meals a day to our soldiers. Let me say that again: charging for 42,000 meals a day which they say they delivered to U.S. soldiers when in fact they were delivering 14,000 meals a day and missing 28,000 meals somewhere.

There is plenty of reason to be concerned about contractors that are engaged in that kind of behavior.

With respect to these series of contracts for \$129 million, they have selected corporations, they have already

signed the contracts. The taxpayers, much to our chagrin, are obligated to pay these contracts. They have signed the contracts with companies that have inherent conflicts, in my judgment. How do you oversee a contract of another company with whom you already have an established business relationship in another contract? I don't know how you do that. Yet these contracts were signed and sealed and delivered and the taxpayer is on the hook for \$129 million.

I happen to think "oversight" is a responsibility of the Government, of the Federal agency that is going to spend the money. It is their responsibility to provide oversight, not someone else's responsibility. The saying is, "The buck stops here." Where does it stop? It stops, it seems to me, with the Federal agency that is given the funding by this Congress. It is their requirement to provide oversight to make sure that funding is used in a manner that is appropriate.

In this case, the Defense Department has said, no, we are not going to do that. We are going to contract out oversight responsibilities. Now I understand they are saying, well, it is not oversight. Really? That is what the provisional authority calls it. In writing, these are oversight contracts for \$129 million. There ought not be oversight that is contracted out. It is a responsibility of the Federal agency.

This chart shows some of the relationships of the companies, companies that are overseeing other companies. I don't intend to say with this chart these are bad companies. I intend to say a company that has a relationship with another company, a business, a contractual relationship, a financial relationship that is now told to oversee the work of this company, even though you have other interests and other financial arrangements with this company, I am saying there is an inherent conflict there. That is not the way to do oversight. Even if these potential conflicts did not exist, I would not support these contracts. Oversight is not the responsibility of a hired gun someplace. It is the responsibility of the Federal agency.

Senator WYDEN and I have offered a relatively simple amendment. We would have offered an amendment that strikes or nullifies those contracts, but we have been told to do so still leaves the Federal Government on the hook. That does not make much sense. It seems to me what we ought to do is make sure this does not happen again.

The amendment we are offering says oversight is a government responsibility, first and foremost. We establish that principle. Second, we say these oversight contracts shall not be renewed. And third, it says the Pentagon cannot award such contracts in the future.

We have provided a couple of exceptions where we think it is impossible for them to do anything other than have some narrow contracts where it is

required, but generally speaking, the approach the Pentagon has used would be prevented prospectively by the amendment we now offer.

Again, our original proposal would have terminated all these contracts outright. I prefer that be the case. These contracts, as I understand it, would still obligate the American taxpayers, and are enforceable. I think that is an approach we cannot get through.

Mr. WARNER. If the Senator will yield, yes, the Senator has very carefully recrafted the amendment. That is the reason we will be able to accept it on this side.

Mr. WYDEN. Will the Senator yield?

Mr. DORGAN. I am happy to yield.

Mr. WYDEN. I appreciate the Senator's point and the cooperation of the Chairman and Senator LEVIN.

It is also clear if anyone tries to renew any of the old contracts which we sought to set aside, they would have to meet the new conflict-of-interest standards established in our amendment, is that correct?

Mr. DORGAN. I say to my colleague from Oregon, that is correct. Our approach is simple. We think there are so many billions of dollars ricocheting around on reconstruction with respect to Iraq that there is a profound opportunity for waste. I don't think anyone in this Chamber wants money wasted. We all want good oversight. We want good stewardship of the taxpayers' funds. We do not believe that is the case when inherent conflicts of interest result. That is the purpose of our offering this amendment.

Let me again say the Senator from Oregon, Senator WYDEN, not just on this issue but on the other issues relating to the \$1.8 billion in spending cuts we got done with our joint amendment, does extraordinary work in this area. I appreciate the opportunity to work with him.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I commend our colleagues from Oregon and North Dakota for this amendment. They have put their finger on a very significant problem in Iraq which is symptomatic. They would be the first to acknowledge this is a deeper problem. That is, we have reduced the number of our acquisition workforce.

The chairman of the committee and other members of the Armed Services Committee, including myself, every year for the past I don't know how many years have been to conference with the House of Representatives. They have tried and successfully achieved reduction to the acquisition workforce despite our opposition to those efforts. They have made major cuts in the acquisition workforce. They call it bureaucracy. We have fought against some of the cuts. We have been able to reduce the size of the cuts. Nonetheless, over time, there have been significant reductions in the ac-

quisition workforce, including people to oversee contracts, which is what we are talking about here.

Our good friends from Oregon and North Dakota have identified a real problem. I congratulate the Senators for doing it. It is a problem reflective of a deeper problem we have now in the Defense Department.

There has been an amendment offered by Senator BYRD which we have accepted which gradually increases the size of the acquisition workforce. That would help get to the underlying systemic cause of this problem. We are going to go to conference, hoping we will be able to add some people to our acquisition workforce who can do the very oversight which is so essential to avoid the very conflicts of interest which the two Senators have identified.

The fact that the Byrd amendment has been adopted and we have added people on this side will put us in a better position, as well as this amendment, of course, of the Senators from Oregon and North Dakota.

I commend them. It will help us not simply to hopefully avoid this kind of absurd situation where nongovernmental employees are overseeing the operations of Government contracts, frequently with inherent conflicts of interest involved, but where we are going to be able to cure the cause of this situation as well on a long-term basis.

I commend them and thank them for the modifications they have made which I think will put us in a stronger position to defend this action in conference.

Mr. WARNER. Mr. President, this side is prepared to accept this amendment.

Mr. WYDEN. I yield the floor and thank the distinguished chairman and Senator LEVIN.

Mr. DORGAN. I ask the amendment be accepted.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3305) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. I see my distinguished colleague from Connecticut and I yield the floor.

Mr. DODD. I ask unanimous consent to lay aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3313, AS MODIFIED

Mr. DODD. I call up amendment 3313 and I send a modification to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself, Mr. LAUTENBERG, and Mrs. FEINSTEIN proposes an amendment numbered 3313, as modified.

The amendment (No. 3313), as modified, is as follows:

(Purpose: To prohibit the use of contractors for certain Department of Defense activities and to establish limitations on the transfer of custody of prisoners of the Department of Defense)

On page 195, between lines 10 and 11, insert the following:

**SEC. 868. PROHIBITIONS ON USE OF CONTRACTORS FOR CERTAIN DEPARTMENT OF DEFENSE ACTIVITIES.**

(a) PROHIBITION ON USE OF CONTRACTORS IN INTERROGATION OF PRISONERS AND COMBAT MISSIONS.—(1) Notwithstanding any other provision of law and except as provided in paragraph (2), the use of contractors by the Department of Defense is prohibited for activities as follows:

(A) Interrogation of prisoners, detainees, or combatants at any United States military installation or other installation under the authority of United States military or civilian personnel.

(B) United States-led combat missions that require routine engagement in direct combat on the ground, except in cases of self-defense.

(2)(A) During fiscal year 2005, the President may waive the prohibition in paragraph (1) with respect to the use of contractors to provide translator services under subparagraph (A) of that paragraph if the President determines that no United States military personnel with appropriate language skills are available to provide translator services for the interrogation to which the waiver applies.

(B) The President may also waive the prohibition in paragraph (1)(A) with respect to any other use of contractors otherwise prohibited by that paragraph during the 90-day period beginning on the date of the enactment of this Act, but any such waiver shall cease to be effective on the last day of such period.

(3) The President shall, on a quarterly basis, submit to the appropriate committees of Congress a report on the use, if any, of contractors for the provision of translator services pursuant to the waiver authority in paragraph (2).

(b) PROHIBITION ON USE OF FUNDS.—No funds authorized to be appropriated by this Act or any other Act may be obligated or expended for the utilization of contractor personnel in contravention of the prohibition in subsection (a), whether such funds are provided directly to a contractor by a department, agency, or other entity of the United States Government or indirectly through a permanent, interim, or transitional foreign government or other third party.

(c) PROHIBITION ON TRANSFER OF CUSTODY OF PRISONERS TO CONTRACTORS.—No prisoner, detainee, or combatant under the custody or control of the Department of Defense may be transferred to the custody or control of a contractor or contractor personnel.

(d) RECORDS OF TRANSFERS OF CUSTODY OF PRISONERS TO OTHER COUNTRIES.—(1) No prisoner, detainee, or combatant under the custody or control of the Department of Defense may be transferred to the custody or control of another department or agency of the United States Government, a foreign, multinational, or other non-United States entity, or another country unless the Secretary makes an appropriate record of such transfer that includes, for the prisoner, detainee, or combatant concerned—

(A) the name and nationality; and

(B) the reason or reasons for such transfer.

(2) The Secretary shall ensure that—

(A) the records made of transfers by a transferring authority as described in paragraph (1) are maintained by that transferring authority in a central location; and

(B) the location and format of the records are such that the records are readily accessible to, and readily viewable by, the appropriate committees of Congress.

(3) A record under paragraph (1) shall be maintained in unclassified form, but may include a classified annex.

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committees on Armed Services, Foreign Relations, and the Judiciary of the Senate and the Select Committee on Intelligence of the Senate; and

(2) the Committees on Armed Services, International Relations, and the Judiciary of the House of Representatives and the Permanent Select Committee on Intelligence of the House of Representatives.

Mr. WARNER. Mr. President, I wonder if we could ask the Senator from Connecticut if we could temporarily lay this matter to one side while we finish processing the amendment by the Senator from Colorado? It would take but a few minutes.

Mr. DODD. I am happy to do that.

Mr. WARNER. Mr. President, at this point in time—

Mr. DODD. Mr. President, I have sent the modification to the desk. I inquire, has the Chair ruled on it?

The PRESIDING OFFICER. Without objection, the amendment is modified.

Mr. DODD. Fine.

Mr. WARNER. I thank the Senator from Connecticut.

Mr. President, I ask that the pending amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I see the Senator from Colorado. I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

AMENDMENT NO. 3449

Mr. ALLARD. Mr. President, I have an amendment that we have laid aside. I guess the proper thing is we need to call it up for consideration. The reason I am calling it up is because our staffs have worked this out. There is a second-degree amendment that was offered by Senator REID on behalf of Senator LEVIN. We have worked out an agreement, I understand, between the staffs, and I know the chairman would like to expedite and move forward and not leave these amendments hanging out there.

So I call up that amendment.

The PRESIDING OFFICER. Does the Senator request the regular order with respect to the amendment?

Mr. ALLARD. Yes, I request the regular order on that amendment, please.

The PRESIDING OFFICER. The amendment is pending.

Mr. ALLARD. Now, I think Senator LEVIN has to be recognized to move the modification forward.

The PRESIDING OFFICER (Mrs. DOLE). The Senator from Michigan.

AMENDMENT NO. 3449, AS MODIFIED

Mr. LEVIN. Madam President, has our modification to the second-degree amendment been sent to the desk yet? We will send up a modification to the second-degree amendment, and then I

understand, as modified, Senator ALLARD will be accepting the second-degree.

Mr. ALLARD. That is correct.

The PRESIDING OFFICER. The amendment, No. 3449, as modified, is pending.

The amendment, as modified, is as follows:

At the end of the matter proposed to be inserted, insert the following:

**SEC. 1069. POLICY ON NONPROLIFERATION OF BALLISTIC MISSILES.**

(a) POLICY.—It is the policy of the United States to develop, support, and strengthen international accords and other cooperative efforts to curtail the proliferation of ballistic missiles and related technologies which could threaten the territory of the United States, allies and friends of the United States, and deployed members of the Armed Forces of the United States with weapons of mass destruction.

(b) SENSE OF CONGRESS.—(1) Congress makes the following findings:

(A) Certain countries are seeking to acquire ballistic missiles and related technologies that could be used to attack the United States or place at risk United States interests, forward-deployed members of the Armed Forces, and allies and friends of the United States.

(B) Certain countries continue to actively transfer or sell ballistic missile technologies in contravention of standards of behavior established by the United States and allies and friends of the United States.

(C) The spread of ballistic missiles and related technologies worldwide has been slowed by a combination of national and international export controls, forward-looking diplomacy, and multilateral interdiction activities to restrict the development and transfer of such weapons and technologies.

(2) It is the sense of Congress that—

(A) the United States should vigorously pursue foreign policy initiatives aimed at eliminating, reducing, or retarding the proliferation of ballistic missiles and related technologies; and

(B) the United States and the international community should continue to support and strengthen established international accords and other cooperative efforts, including United Nations Security Council Resolution 1540 and the Missile Technology Control Regime, that are designed to eliminate, reduce, or retard the proliferation of ballistic missiles and related technologies.

Mr. LEVIN. Madam President, very briefly—and I thank Senator ALLARD and our staffs for working this out—we have expressed some real concerns in terms of the proliferation challenges in terms of the ballistic missile technology which is at issue.

Technology can be called defensive technology, but it also can be used offensively. The line between offensive and defensive missile technology is not a perfect line and, indeed, some of the technologies are both offensive and defensive. So it is important that the concerns we had expressed, and do express, in our second-degree amendment relative to the technology and the proliferation of these technologies be expressed in the underlying amendment, and that would remain.

What we have removed from our second-degree amendment is the elimination of what amounts to, I guess, that 30-day either goal or deadline,



which is waiveable by the Secretary of State. So what we have in our second-degree amendment now, as modified, is that we have left that 30-day goal in place—and Senator ALLARD had it in his amendment—but the efforts to try to address some of the proliferation concerns will remain in the second-degree amendment.

I understand, as modified, that Senator ALLARD is willing to accept the second-degree amendment.

Mr. ALLARD. Yes.

Madam President, if I could be recognized briefly, we did have some exceptions in that to be sensitive to your concerns about the 30-day portion. In the judgment of the Secretary of State, they could extend that if they believe that is necessary. There is also a paragraph in here that was adopted on policy to address some of your concerns about proliferation and whatnot. Hopefully, we met those concerns.

I think this is a good compromise. I thank the Senator from Michigan for working with me and our staff over here and for your staff working together with us. I think now that we have resolved this matter we can move forward on the amendment.

Now, Madam President, have we adopted the modification?

The PRESIDING OFFICER. The modification has been made.

The amendment is pending.

The question is on agreeing to the second-degree amendment, as modified.

The amendment (No. 3449), as modified, was agreed to.

#### AMENDMENT NO. 3322, AS AMENDED

The PRESIDING OFFICER. The question is now on agreeing to the Allard amendment, as amended.

The amendment, as amended, is adopted.

The amendment (No. 3322), as amended, was agreed to.

Mr. ALLARD. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Connecticut.

#### AMENDMENT NO. 3313, AS MODIFIED

Mr. DODD. Madam President, I ask unanimous consent that we now be allowed to debate amendment No. 3313, as modified.

The PRESIDING OFFICER. The Senator has that right.

Mr. DODD. Thank you, Madam President. And, again, I commend my two friends and colleagues, the chairman and ranking member of the Armed Services Committee.

Let me briefly describe what this amendment is and what we try to do.

This amendment attempts to address what I believe is a very legitimate and serious concern that has come to light in recent days with respect to the use or misuse of contractors in the treatment of detainees in Iraq.

Quite simply, this amendment would prohibit the use of contractors in the

interrogation of prisoners and offensive military operations and establish certain restrictions with respect to the transfer of prisoners to contractors and foreign nations.

Let me try to explain why this is so and what the background of all this is. According to some estimates, there are as many as 20,000 contractors operating in Iraq today, many carrying out mission-critical military roles, such as security, protection, interrogation, logistics support, and paramilitary and military training.

Increasingly, U.S. contractor activities have become deeply intertwined with those of U.S. troops and Coalition Provisional Authority personnel. These activities have put them in harm's way. As we have all painfully learned, contractors are among those who have been taken hostage by insurgents in Iraq. They have also suffered terrible injuries and loss of life, the most horrific of which occurred on April 13 of this year when the bodies of four contractors were burned, mutilated, and hung from a bridge in Iraq.

Equally troubling, it looks more and more likely that contractors may have taken part in the interrogation of Iraqi prisoners and may be linked directly or indirectly to the reported abuses of those prisoners. Even today there may be still some taking part in the interrogation of prisoners.

Let me say as an aside, by the way, that I commend, again, the Armed Services Committee under the leadership of Senator WARNER and Senator LEVIN for the very thoughtful hearings the Armed Services Committee had about this matter and the professional manner in which they went about examining these issues and doing the kind of thorough look that a standing committee of the Senate ought to make, regardless of the party in power in the White House. They have done a very good job and have been tremendously helpful to the American public.

We have all read reports and seen graphic pictures of the heinous abuses associated with the incarceration of Iraqi prisoners. Unfortunately, so has almost the entire world been witness to these photographs and the stories about what has occurred.

It does not take much of an imagination to figure out that the consequence of those abuses has been a disaster not only with respect to the U.S. policy in Iraq but also with respect to our policies throughout the greater Middle East. That is why I have included a provision in the pending amendment to prohibit the use of contractors in the interrogation of prisoners, detainees, and combatants. However, mindful that in the short term we may not have sufficient military personnel with requisite language and interrogation skills at certain critical moments, I have also included in this pending amendment Presidential authority to waive these restrictions under certain narrow constrictions: During fiscal year 2005 with respect to their use as

translators, and for the first 90 days of the next fiscal year with respect to interrogations.

It should go without saying that any contractor who is employed by the United States as a translator or interrogator must be certified as highly proficient in the areas for which he or she is being employed, and such contractors must be properly supervised at all times by official U.S. military personnel. To help ensure that is the case, the amendment I am offering this afternoon would also require the President to submit a quarterly report to Congress on the use of contractors as translators and in interrogations.

I remind my colleagues that at this very moment contractors in Iraq go about their business virtually unregulated. They have been exempted from local law by CPA regulation. They are also outside the Uniform Military Code of Justice and could, therefore, avoid prosecution in a military court of law. Contractors' accountability under U.S. international law remains untested. And now the Bush administration is putting pressure on the transitional Iraqi government to grant immunity to contractors after the June 30 transfer of power. If the transitional Iraqi government succumbs to this pressure, contractors won't only have immunity from prosecution, they will likely be able to act with impunity while they participate in some of our most sensitive military intelligence operations. I think this is unacceptable and puts our troops and our mission at great risk.

The more we learn, the more it seems this whole business of hiring contractors has gotten out of control. We need to be more scrupulous—not less—about the tasks we assign to contractors. Quite frankly, I don't think it makes much sense to have contractors performing interrogations. Apparently neither does the Army, whose policy reportedly bars contractors from military intelligence jobs such as interrogating prisoners unless there are not enough qualified people in the Army to perform those duties.

According to recent reports, the source of this policy is an Army policy memo, written in December 2000, by Patrick T. Henry, then the Army's top personnel official. In this memo he asserted that allowing private workers to gather military intelligence presented "a risk to national security." That statement is anything but ambiguous. Let me quote it again. From the Army's top personnel official, it is "a risk to national security," in a 2000 memo prepared by the U.S. Army.

Thomas White, the former Secretary of the Army, has also expressed his opposition to hiring contractors to question prisoners, stating in an interview "the basic process of interrogation should be kept in-house on the Army side."

Moreover, last week it was reported that CACI International, a contractor caught up in this controversy, was not

even under contract with the Department of Defense. Rather its activities were being managed by the U.S. Department of Interior which approved the company's hiring of interrogators utilizing a preexisting contract for computer services with that company. The particular circumstances of the CACI contract blur even further the accountability of its employees because Department of Interior contractors may not be covered by certain U.S. laws specifically enacted to cover Department of Defense contractors, such as the Military Extraterritorial Jurisdiction Act, which attempts to make U.S. Department of Defense contractors working overseas legally accountable.

How many other contractors have been employed by non-Department of Defense agencies to carry out activities in Iraq? To say we have seen some extraordinary contracting practices in the case of Iraq is an understatement. I would hope these practices are not being employed to circumvent the requirements of the Geneva Conventions or other international U.S. laws, because if you are doing this as a matter of policy, I am deeply concerned that we will be inviting other nations to do the same to the detriment of the safety of American military and civilian personnel around the globe.

Indeed, according to the comprehensive report of MG Antonio Taguba, contractors employed in Iraq participated in prisoner interrogations with minimal supervision. And I quote him:

They allegedly on occasion even provided direction to U.S. military police.

The words "minimal supervision" are not mine. They were part of a job posting for the interrogator international analyst team lead assistant which is listed on the contract at CACI International's Web site.

I have reproduced an excerpt from the job posting as it was reprinted in the Washington Post on May 10 on the poster behind me. It reads:

Description: Assists the interrogation support program team . . . to increase the effectiveness of dealing with detainees, persons of interest and prisoners of war (POWs) that are in the custody of the U.S./Coalition forces . . . in terms of screening, interrogation, and debriefing of persons of intelligence value. Under minimal supervision, will assist . . .

The key words are "under minimal supervision." The new posting now reads "under minimal CACI supervision," the name of the international company.

This isn't all. A former CACI interrogator was quoted on May 13 in the Washington Post as saying:

Civilian interrogators were often free to conduct interrogations as they best saw fit.

And General Taguba reportedly recommended to one employee of CACI that he be "fired, reprimanded, and denied his security clearances for giving instructions to Army policemen that he clearly knew equated to physical abuse."

Indeed, this lack of supervision may have been the rule rather than the exception in the Abu Ghraib prison. More importantly, with the fate of our mission in Iraq and our international reputation at stake, the American people deserve to know why civilian contractors were participating in these interrogations in the first place.

This Senator—and I am sure many of my colleagues would agree—does not think private contractors have any place in such highly sensitive military operations. That is not only because of these human rights abuses or potential violations of U.S. international law, it is because they have exponentially increased the danger level for more than 135,000 honorable and dedicated U.S. troops currently risking their lives in Iraq. We owe it to all those brave men and women who now face a far more difficult task in winning the hearts and minds of Iraqis or setting the stage for the successful handover of sovereignty to Iraqi officials less than 15 days from now.

My amendment also addresses the related issue of the transfer of prisoners in U.S. custody. It would not only prohibit the U.S. Department of Defense from transferring prisoners into a contractor's custody, but it would also require the Secretary of Defense to keep a written record of prisoner transfers from DOD custody to foreign nations.

Why is this provision necessary? Because according to published reports, interrogation strategies reportedly included sending detainees to third countries where in some cases, according to the New York Times, they are convinced they might be executed.

A set of post-9/11 legal memoranda prepared by the U.S. Government even suggested "if U.S. Government officials are contemplating procedures that may put them in violation of American statutes that prohibit torture, degrading treatment, or the Geneva Conventions, they will not be held responsible if it can be argued that the detainees are formally in the custody of another nation."

There may be instances when the transfer of prisoners to third countries would serve our interests. My amendment does not prohibit that from happening. But at the very least, records of transfers should be kept to ensure that the transfer of prisoners to countries with poor human rights records is not used to circumvent U.S. and international law. My amendment would mandate that such records be kept.

Finally, this amendment would also prohibit contractors from participating in most combat operations except in cases of self-defense, and it would prevent U.S. moneys from being used to pay contractors for those purposes. I understand our stated U.S. policy does not permit U.S. contractors in combat. The chaos on the ground has created a climate where, for the most part, these individuals operate with little or no oversight. Without specific language in statute which clearly spells out what

are and are not permissible contractor activities, there will always exist the danger that circumstances will draw private citizens into armed conflict.

I would hope my colleagues would support codifying into law what the administration has said is its policy with respect to the use of private contractors in combat situations.

Madam President, I will briefly sum up what I am trying to accomplish with the pending amendment. First, I propose to restrict the use of contractors in prisoner interrogations. I point out that we provide for a little leeway here that would allow, during fiscal 2005, for a little time to be used, because we may not have the people at hand who can do translations, or perform interrogations, so we provide leeway to build this up. We would prohibit such individuals from being employed in prisoner interrogations.

Second, we would prohibit such individuals from being employed in offensive combat missions.

Finally, I would keep private contractors out of the prisoner contracting business.

I commend Senators WARNER and LEVIN for their willingness to address some of the issues I have touched on in this amendment in the last few weeks. This is so we in the Congress "get it," so to speak, and we are ready to begin repairing the damage caused by these problems which, in some cases, continue to endanger our efforts in Iraq and throughout the globe.

I believe the amendment is a reasonable and measured response to the challenges we face. I urge my colleagues to support the efforts embodied in this proposal.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Madam President, I have looked over this amendment very carefully. We will have to oppose it for a number of reasons. There may be some parts of it on which we could have a meeting of the minds. I would like to walk through the amendment with my good friend and ask him a few questions about this amendment.

Let's go to the title:

Prohibitions on the Use of Contractors for Certain Department of Defense Activities.

(A) Prohibition on Use of Contractors in Interrogation of Prisoners and Combat Operations.

That and combat operations poses a dilemma. For example, as the distinguished Senator knows, in his State are a number of our submariners. At any one time, those submariners have a board of contractors who are working on the equipment, training of sailors, taking an aircraft carrier. At any one time, you have maybe several hundred contractors aboard an aircraft carrier. On a moment's notice, either of those vessels could be given a tactical order to go into harm's way.

The way this amendment is drawn—so broadly—I think the Senator had better look at it again. I could not in

any way support an amendment that says contractors are prohibited from going into harm's way, because they are forward-deployed with our units; they are aboard our vessels. At any time, on a moment's notice, they could be put into a position of being in harm's way.

Mr. DODD. Let me respond, if I may. It is an anticipated argument. We have similar provisions applying in certain categories under the United States Code here, 10 U.S.C. Section 113, Notice to Congress of Proposed Changes in Combat Assignments to Which Female Members May be Assigned; and also in Public Law 103-160.

I ask unanimous consent to have both of these provisions of the United States Code printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From 10 U.S.C., Public Law 103-160]

SEC. 542. NOTICE TO CONGRESS OF PROPOSED CHANGES IN COMBAT ASSIGNMENTS TO WHICH FEMALE MEMBERS MAY BE ASSIGNED

(a) IN GENERAL.—(1) Except in a case covered by subsection (b), whenever the Secretary of Defense proposes to change military personnel policies in order to make available to female members of the Armed Forces assignment to any type of combat unit, class of combat vessel, or type of combat platform that is not open to such assignments, the Secretary shall, not less than 30 days before such change is implemented, transmit to the Committees on Armed Services of the Senate and House of Representatives notice of the proposed change in personnel policy.

(2) If before the date of the enactment of this Act the Secretary made any change to military personnel policies in order to make available to female members of the Armed Forces assignment to any type of combat unit, class of combat vessel, or type of combat platform that was not previously open to such assignments, the Secretary shall, not later than 30 days after the date of the enactment of this Act, transmit to the Committees on Armed Services of the Senate and House of Representatives notice of that change in personnel policy.

(b) SPECIAL RULE FOR GROUND COMBAT EXCLUSION POLICY.—(1) If the Secretary of Defense proposes to make any change described in paragraph (2) to the ground combat exclusion policy, the Secretary shall, not less than 90 days before any such change is implemented, submit to Congress a report providing notice of the proposed change.

(2) A change referred to in paragraph (1) is a change that either—

(A) closes to female members of the Armed Forces any category of unit or position that at that time is open to service by such members; or

(B) opens to service by such members any category of unit or position that at that time is closed to service by such members.

(3) The Secretary shall include in any report under paragraph (1)—

(A) a detailed description of, and justification for, the proposed change to the ground combat exclusion policy; and

(B) a detailed analysis of legal implication of the proposed change with respect to the constitutionality of the application of the Military Selective Service Act to males only.

(4) For purposes of this subsection, the term "ground combat exclusion policy" means the military personnel policies of the

Department of Defense and the military departments, as in effect on January 1, 1993, by which female members of the Armed Forces are restricted from assignment to units and positions whose mission requires routine engagement in direct combat on the ground.

Pub. L. 103-160, div. A, Title V, Sec. 542, Nov. 30, 1993, 107 Stat. 1659, as amended by Pub. L. 106-398, Sec. 1 ((div. A), title V, Sec. 573(b)), Oct. 30, 2000, 114 Stat. 1654, 1654A-136; Pub. L. 107-107, div. A, title V, Sec. 591, Dec. 28, 2001, 115 Stat. 1125, provided that:

"(a) IN GENERAL.—(1) Except in a case covered by subsection (b) or by section 6035 of title 10, United States Code, whenever the Secretary of Defense proposes to change military personnel policies in order to make available to female members of the Armed Forces assignment to any type of combat unit, class of combat vessel, or type of combat platform that is not open to such assignments, the Secretary shall, not less than 30 days before such change is implemented, transmit to the Committees on Armed Services of the Senate and House of Representatives notice of the proposed change in personnel policy.

"(2) If before the date of the enactment of this Act (Nov. 30, 1993) the Secretary made any change to military personnel policies in order to make available to female members of the Armed Forces assignment to any type of combat unit, class of combat vessel, or type of combat platform that was not previously open to such assignments, the Secretary shall, not later than 30 days after the date of the enactment of this Act, transmit to the Committees on Armed Services of the Senate and House of Representatives notice of that change in personnel policy.

"(b) SPECIAL RULE FOR GROUND COMBAT EXCLUSION POLICY.—(1) If the Secretary of Defense proposes to make any change described in paragraph (2) to the ground combat exclusion policy, the Secretary shall, before any such change is implemented, submit to Congress a report providing notice of the proposed change. Such a change may then be implemented only after the end of a period of 30 days of continuous session of Congress (excluding any day on which either House of Congress is not in session) following the date on which the report is received.

"(2) A change referred to in paragraph (1) is a change that either—

"(A) closes to female members of the Armed Forces any category or unit or position that at that time is open to service by such members; or

"(B) opens to service by such members any category of unit or position that at that time is closed to service by such members.

"(3) The Secretary shall include in any report under paragraph (1)—

"(A) a detailed description of, and justification for, the proposed change to the ground combat exclusion policy; and

"(B) a detailed analysis of legal implication of the proposed change with respect to the constitutionality of the application of the Military Selective Service Act (50 App. U.S.C. 451 et seq.) to males only.

"(4) For purposes of this subsection, the term "ground combat exclusion policy" means the military personnel policies of the Department of Defense and the military departments, as in effect on January 1, 1993, by which female members of the Armed Forces are restricted from assignment to units and positions whose mission requires routine engagement in indirect combat on the ground.

"(5) For purposes of this subsection, the continuity of a session of Congress is broken only by an adjournment of the Congress sine die."

Mr. DODD. In Public Law 103-160, it says:

(4) For purpose of this subsection, the term "ground combat exclusion policy" means the military personnel policies of the Department of Defense and the military departments, as in effect on January 1, 1993, by which female members of the Armed Forces are restricted from assignment to units and positions whose mission requires routine engagement and direct combat on the ground.

So there is a precedent here, and I am using this as an example of that same language. First, it would come under defending themselves to a certain point. The idea we are trying to get at is to have these personnel not become directly involved in combat.

Mr. WARNER. That is not the way it is crafted, as I read it. If the Senator wishes to proceed on this part of the amendment, the Senator would be well advised to try to make reference to the existing law in such a way as to make it clear.

Mr. DODD. I am happy to do that. My intention is, obviously, not to try to chart new areas of law.

Mr. WARNER. The way it is drawn, it could be interpreted that way.

Mr. DODD. We will talk with staff to see if we might make the language tighter.

Mr. WARNER. My second concern goes to the question of the interrogation of prisoners. Clearly, the Armed Services Committee has had hearings on the very difficult problems that we encountered in the prisons in Iraq, and perhaps in certain areas in Afghanistan; and we, by no means, have concluded—either the Congress or the Department of Defense—our examination of these problems. As the Senator well knows, the Army, in particular, and the Department of Defense have a number of ongoing investigations with regard to these prisoner problems. It relates, as my good friend from Connecticut stated, to the use of, in some instances, interrogators who were contractors.

This is the problem, as I see it. As we do our defense planning, we do our very best to have trained and ready cadres of individuals in combat areas and cadres of individuals for medical purposes and other purposes. If we were to put this type of prohibition into law, the Department of Defense—primarily the Department of the Army—would have to put into place a very significant number of individuals who would at all times be trained and ready to go in following combat operations to do the interrogations of prisoners.

That, it seems to me, puts a burden on the Department which is not a wise expenditure of funds and use of military personnel. I don't know what the estimate would be. Let's assume that in due course our situations in Afghanistan and Iraq are secured in such a way that our forces withdraw and we hopefully return to a period where there would be more equilibrium in the use of our Armed Forces in conducting missions around the world. As this is drawn, the Department of the Army would have to have a very significant cadre of individuals who are just waiting assignment at a future time, as a

consequence of some future military operation, to perform the interrogations. That has been an area that I think in the past has successfully been performed by contractors, providing there are rules and regulations laying down the specific requirements of the training of those contractors, the expertise. They just cannot pick up individuals off the street and put them into positions of responsibility. It is that general reason—and I will go on in a moment, but I will allow my colleague to reply—that I have great concern about the intention of this amendment. Those are two points I wish to make in terms of opposition to the amendment.

Mr. DODD. If I may respond, it is not an illegitimate concern in talking about personnel. We have all seen what could happen when you have people operating who are unregulated. In some cases, contractors have worked out of the Department of the Interior, so there is no supervision by the DOD. We are asking these people, unregulated, with no clear lines of authority, to do these things, and we have seen what happens when that occurs. It appears this is getting out of hand by private contractors.

In the area of intelligence gathering, dealing with sensitive matters—sensitive to the issue of having enough personnel on the ground to do these things—I am far more worried about the fact of rogue elements being able to cause us tremendous harm.

I think all would admit certainly that the result of what happened in Abu Ghraib prison and what the world knows today has been tremendously harmful to the United States and potentially to our men and women in uniform who may be subjected to interrogations. We know we are going to see the answers raised by others.

I provided in the amendment some leeway to allow for a period of time so it would not be required to have an immediate requirement that all of these individuals be replaced on the adoption of this particular law but allow for some leeway.

Mr. WARNER. Madam President, will the Senator direct the Senate to that portion where he thinks there is flexibility.

Mr. DODD. Madam President, if the Senator will go to page 2 of the amendment, the very bottom line, 25, section (b), the President may also waive the prohibition in paragraph 1 with respect to the use of contractors. Otherwise provided by that paragraph during the 90-day period—going on page 3—beginning on the date of enactment of this act, but any such waiver shall cease to be effective on the last day of such period.

There is also an earlier provision in regard to translator services regarding additional time.

Mr. WARNER. Madam President, I could not find that language. I listened carefully to the Senator's presentation. I can understand the translator.

Mr. DODD. I am quoting from the bill. With regard to 1(a) on page 2—and you go to page 2 of the amendment—

Mr. WARNER. I am on page 2.

Mr. DODD. Then go to line 10. It talks about interrogation of prisoners, detainees, and the like. Paragraph (b), and then it goes, on line 17, during fiscal year 2005 the President may waive prohibition in paragraph 1 with respect to contractors and provide translator services under paragraph (a), if the President determines no United States military personnel or appropriate language skills are available.

Go on down to line 25, page 2, section (b): The President may also waive the prohibition in paragraph 1(a) with respect to the use of any contractors. I am reading on page 3.

Mr. WARNER. Madam President, if the Senator will withhold, I have two amendments here, and I suspect what I was working off of was the—I thought it was the one that had been modified. I am now told this is the original amendment and that you have modified it.

Mr. DODD. I have modified it, yes.

Mr. WARNER. Once again, if the Senator will direct me.

Mr. DODD. On page 2 of the amendment, go down and begin on line 10, and I believe that is section (a). It talks about the interrogation of prisoners, what would not be allowed. Then paragraph (a) and paragraph (b). Then on line 17, 2(a), it says: During fiscal year 2005, the President may waive the prohibition in paragraph 1 with respect to the use of contractors to provide translator services under paragraph (a) of that paragraph.

Without reading the rest of that language, going to line 25, subparagraph (b) on page 2: The President may also waive the prohibition in paragraph 1(a) with respect to use of contractors—page 3 now—otherwise prohibited by that paragraph during the 90-day period beginning on the date of the enactment of this act.

Senator LEVIN raised this question, and we discussed it. It is a legitimate point. We do not expect for this to happen overnight. It would be unreasonable.

The point I want to make generically, because I think my colleague raises a very legitimate issue, is that the war on terror is not going to be over tomorrow, and it seems to me we better get the expertise in these areas. They are going to be an integral part of our Government service to have this talent, this ability. It is a new age we have entered, and we have to be prepared to address it.

I am deeply worried about having these unregulated, uncontrolled contractors, many of which are operating with agencies that are not even under the Department of Defense in a theater of conflict where the ability to control, regulate, and supervise may be going out the window.

As I say, I was stunned to read about the Department of the Interior. What

is the Department of the Interior doing and what authority does the Department of Defense have over contractors hired by the Department of the Interior operating in a prison environment in Baghdad? That worries me. If they are not trained, who are these people gathering intelligence? How much reliance can we have?

I realize we are in tough shape with personnel, but my point is the sooner we start developing the in-house capabilities—I recall reading after 9/11 that we actually ran advertisements in local papers for people who could speak Arabic for jobs in the State Department. This is a terrible revelation that we do not have people capable of doing this skill.

I am worried that if we continue to rely on a very loose operation—we found out what happens, and we have suffered terribly as a result of these abuses that occurred.

I do not know to the extent and, obviously, others are looking into the details of it now, but certainly we know now there were a number of private contractors basically unsupervised operating in their own world and may have been directed by our military personnel under certain circumstances.

I am sensitive to the concerns raised by the chairman who, by the way—and I will state it again. The hearings that the chairman and the ranking member have held on this issue have been tremendously worthwhile, and I commend them immensely for what they are doing. If there are ways in which this amendment can be modified to address the not illegitimate concerns about how do you transition from a present situation into one we can build, then I am interested in how we do that.

I am not interested in having an amendment and having a vote, allowing it to come out one way or the other. I think it is a critically important issue. We have at least 20,000 people operating as independent contractors in a very important theater, and we are going to face more situations not unlike this in the coming years.

It seems to me we better start addressing this pretty quickly, and this amendment is an effort to do that.

Mr. WARNER. On the question of the interrogation, I would like to have an opportunity to revisit that. My immediate concern is maybe 90 days is short and perhaps there is some flexibility there.

If I can return to the part B, that gives me very serious concern, and that is the combat missions that require routine engagement. For example, so much of the security for Ambassador Bremer today is all contracted. Much of the security, as I understand, which is given to other members of the Iraqi government, to the extent they avail themselves of what the coalition forces—that is nonmilitary, Ambassador Bremer's operation—make available to them, I do not know how we are going to meet those needs. If you follow this to the letter, you would have to have all soldiers doing that.

Mr. DODD. As I said, the idea is it is one thing for them to be in a capacity to provide protection and certainly take steps for self-defense. I am trying to draw a distinction of engaging in offensive combat missions because there is some concern they have been involved in that level of activity.

Again, I hope the language used in existing law that draws a distinction between ground activity, combat activity, and noncombat activity, defensive activity, would be clear enough. Again, I am happy to spell out that language more clearly. I am just trying to avoid a situation where, again, people who are untrained, unregulated, and unsupervised can get us into a lot of difficulty in a very sensitive area.

Mr. WARNER. Madam President, the Senator's point is well taken. He has served in this body many years and during that period of time, we have engaged in a number of military operations. This one is unique.

I made a quick reference to the existing statutes, 113 U.S.C. and others. I am fearful the Senator has thrown out a fishnet here that catches too many when he says prohibit the use of contractors as relates to combat missions. I just do not know how we would operate aboard our ships. I do not know how we would operate in a number of theaters without the benefit of contractors, and, at certain times, they are in harm's way.

So at the moment we will have to have very vigorous opposition to this amendment as it is presently drawn. If the Senator from Connecticut wants to lay it aside and take a look at it, I will be happy to do so.

Mr. DODD. Madam President, let me put this in the RECORD, if I may, for my colleagues. Under Public Law 107-306, November 27, 2002, subsection (e), "Limitation on Participation of United States Personnel":

No United States Armed Forces personnel or United States civilian contractor employed by the United States will participate in any combat operation in connection with assistance made available under this section, except for the purpose of acting in self defense or rescuing any United States citizen to include United States Armed Forces personnel, United States civilian employees, and civilian contractors employed by the United States.

I am not creating new law. That is a public law that is on the books. So I say to my colleagues, I do not believe we are going off in an area that would be unwarranted.

I ask unanimous consent that a copy of this Public Law 107-306 dated November 27, 2002 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Public Law 107-306—Nov. 27, 2002]

**TITLE V—DEPARTMENT OF DEFENSE  
INTELLIGENCE ACTIVITIES**

**SEC. 501. USE OF FUNDS FOR COUNTERDRUG  
AND COUNTERTERRORISM ACTIVITIES FOR COLOMBIA.**

(e) LIMITATION ON PARTICIPATION OF UNITED STATES PERSONNEL.—No United States

Armed Forces personnel or United States civilian contractor employed by the United States will participate in any combat operation in connection with assistance made available under this section, except for the purpose of acting in self defense or rescuing any United States citizen to include United States Armed Forces personnel, United States civilian employees, and civilian contractors employed by the United States.

Mr. DODD. It is Title V, the Department of Defense Intelligence Activities. That is the section, subsection e, of that title V.

Mr. WARNER. Madam President, I again draw my colleague to paragraph B, United States-led combat missions that require routine engagement in direct combat, that implies that the uniformed people are in direct combat and the presence in a supporting role of contractors can often be the case unexpectedly in connection with naval vessels which are a matter of a moment's notice.

Mr. DODD. I have no difficulty with—

Mr. WARNER. I am not sure this is drawn in such a way as to continue what I deem essential practice with regard to naval ships. I would have to study it considerably to determine how it might impede ground operations.

Mr. DODD. I always appreciate the advice and counsel of the chairman of the committee so I will take a look and see if there is some common language that might meet those concerns.

Mr. WARNER. Is it the intention of my colleague in due course to lay this aside?

Mr. DODD. I presume others would want to lay it aside when other amendments are being considered. I do not object to that.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, first let me comment on what I think is the heart of the amendment the Senator from Connecticut has offered, and that has to do with the interrogation function and whether that ought to be performed by private contractors.

It seems to me abundantly clear that we cannot hire private contractors to perform a function that is inherently governmental, inherently sensitive, indeed inherently explosive, and on which there must be accountability, such as the interrogation of prisoners. We have treaty obligations. We have to live up to those treaty obligations, not because they are treaty obligations, although that should be enough, but also because the safety of our own troops is directly involved if we fail to abide by treaty obligations.

The stakes are absolutely huge and we must have people performing these functions who are accountable to us, where there is accountability.

Now the chairman has pointed out a problem with so-called subparagraph 1(b). I do think that is going to require additional exploration, and the Senator from Connecticut is perfectly happy to take a look at that additional exploration.

As the Senator from Connecticut points out, there may indeed already be law on the books that this simply would reinforce. If that is true, it is possible we may not even need this provision, but that is something which the exploration of law can tell us. We may not need, or the Senator from Connecticut more properly may not need, the provision 1(b) if the current law already addresses that issue. But that is something we ought to explore when we lay this amendment aside.

I will tell my friend from Virginia, the chairman of the committee, that the heart of this amendment, as I read it, is not section 1(b) but section 1(a). I think the Senator from Connecticut can speak most directly to that issue, but it is a question of whether we are going to contract out the interrogation function, where there is no accountability in something as grave as this procedure. Interrogating people who are captured in war has ramifications that are so significant to the security of our own troops, I think we must have the full accountability, which is only achievable when we have this performed by our own governmental operations, our own forces, our own governmental employees. So I think 1(a) is right on target.

It is possible, and I think there is another reason to lay this aside, that according to at least an article which I read over the weekend there already is an Army policy directive on this subject, when I read this article—

Mr. WARNER. Excuse me, Madam President, but on which subject?

Mr. LEVIN. On the subject of (a).

Mr. WARNER. Let us make it clear because the Senator is mixing (a) and (b).

Mr. LEVIN. I thank my chairman. This is what the article reads, and because I have a reprint of it I am not sure what paper I read it in, but this is the computer reprint of an article by Joe Brinkley, which says the following: That the use of private contractors as interrogators at Abu Ghraib and other prisons violates an Army policy that requires such jobs to be filled by Government employees because of the risk to "national security," among other concerns, the Army acknowledged on Friday. An Army policy directive published in 2000 and still in effect today, the military said, classifies any job that involves the gathering and analysis of tactical intelligence as inherently governmental functions borrowed from private sector performance.

Now if we are going to set this amendment aside, there is an additional reason to do so. In addition to taking a look at whether 1(b) is necessary, the issue raised by the chairman, we should also take a look at what current Army policy is relative to the hiring of contractors to perform the interrogation function. I have tried in the last few minutes to get a copy of that Army policy, and I have been unable to do so in the last few minutes, so I could actually check it out myself. So

if this amendment is laid aside, I would seek to do exactly that.

One other comment, and that is this so-called Department of Interior. What is the Department of Interior doing here? Talk about lack of accountability, lack of accountability. The Department of Interior entered into with private contractors to do interrogation. We talk about lack of responsibility, lack of accountability. The Army has lost control of its own contractors. These are not Army contractors, they are Department of Interior contractors. And why? Because they have engaged in a so-called offloading mechanism, where they use a contract of another agency to pay for the performance of functions which they, the Army, want.

That is an area which I would hope our committee would look into because, to me, we have laws against this kind of offloading. The subcommittee of which I am ranking member, the Permanent Subcommittee of Investigations, has had hearings on these offloading abuses. We have passed law to try to prohibit these offloading abuses. We have language, as a matter of fact, in this bill that would prevent some of the abuses the GSA was involved in in terms of offloading. If we had known about this particular problem, we would have included that in our committee consideration of this issue.

The Senator from Connecticut is pointing out something which is vitally important to us, and that is people who do interrogations on behalf of our Nation, relative to prisoners of war, must be accountable. We must be able to deter abuses of the rights of prisoners under treaties, or else when our people are captured, we are going to find we are in the same position as these prisoners. We need accountable people. That requires the people who are doing the interrogation be Government employees, at a minimum, hopefully uniformed employees, secondly.

We have two problems that are sort of parallel. We have this offloading problem where the Department of Interior contract is used to hire contractors. By the way, this also goes back in part to the reduction of the acquisition workforce. It goes back to the same issue we addressed on the prior subject. The chairman of our committee, of which the Presiding Officer is an extremely valued member, will remember the last conference, and the conference before that, and the conference before that with the House of Representatives. Every year we face this effort to reduce the amount of people who are working in our acquisition workforce. We are paying the price for those cuts.

We tried to stop those cuts, and we succeeded in at least reducing the scope of the cuts year after year, but as conferences work out, there are compromises on this. So there have been cuts, against our wishes, in the acquisition workforce. This again is a price we are paying for the reductions in the acquisition workforce which have occurred in prior years.

I commend the Senator from Connecticut for identifying an issue. We must make sure the interrogation of prisoners, detainees, or combatants, as he puts it in his amendment, at any U.S. military installation or any installation under the authority of the U.S. military or civilian personnel must be carried out by people who are responsible to us, who are part of the U.S. Government. If they are not in the military, or at least governmental employees, and not simply contractors, where the accountability is much less, where is the accountability for contractors? Where is the accountability? We passed a law recently which provides the criminal accountability if you can make out a crime, but it is very difficult at times to prove crimes.

Mr. WARNER. Will the Senator yield?

Mr. LEVIN. I am happy to yield, but I encourage us to lay aside this amendment.

Mr. WARNER. So we can accommodate Senators, I would like to propose a unanimous consent request that the vote in relation to Dodd amendment No. 3312, which is the one covering equipment for the military forces, occur today at 5:30 p.m., provided that no amendments be in order to the amendment prior to the vote.

Mr. LEVIN. Would the Chairman add 10 minutes of discussion on the amendment prior to the vote?

Mr. WARNER. I suggest we go to the vote. I have indicated a willingness to support it, so I don't think—

Mr. DODD. Let's take 1 minute prior to the vote.

Mr. WARNER. Fine, 1 minute each side? Let's make it 2. I can't clear my throat in 1.

I repropound the unanimous consent request to the Presiding Officer.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. It was modified to 2 minutes, equally divided.

Mr. WARNER. Two minutes to each side, not equally divided.

Mr. DODD. OK. Two minutes to each side.

The PRESIDING OFFICER. If there is no objection, it is so ordered.

Mr. LEVIN. Madam President, if that is out of the way, I will yield the floor—

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I support the suggestion that the pending amendment of the Senator from Connecticut be laid aside to hear two issues.

Mr. WARNER. I failed to hear what you said. Would you repeat that?

Mr. LEVIN. I am sorry. I want to support the suggestion that the pending amendment of the Senator from Connecticut be laid aside so that two things can be carried out: One is that we look at section 1(b) relative to the combat language, both in terms of the points that the chairman has made and also in terms of the current law relative to combat. Also, that would give

us an opportunity to check out this reported Army policy directive which has been referred to in this newspaper article to see what the current law is, at least what the current policy—

Mr. WARNER. Regulations.

Mr. LEVIN.—regulations of the Army are relative to this particular issue. I think it is important we at least know that before we act on the amendment. I leave this up to our friend from Connecticut, but I think the heart of this amendment relates to the interrogation of the prisoners, rather than 1(b).

Mr. DODD. If my colleague will yield, just going over this—and I certainly have no difficulty at all trying to clear up, if we can, the section 1(b) issue that my colleague from Virginia has raised. To the best of my knowledge at this point, we will explore it further, but my examination shows dealing with interrogation is a directive. It's not a law. It has been a policy, and the policy allowed for exceptions to be made when there were not enough personnel or whatever else to deal with it.

That is what has happened here. This is a policy that has been around for about 4 years—maybe a little earlier, maybe 1998, certainly no later than 2000. As such, it lacks codification in any sense at all, and it has been adhered to in the breach more than in the letter of it. That is how I understand this. I know of no Army regulations dealing with this issue, other than a general policy direction.

It seemed to me on this particular point, the codification of our feelings about this, if a majority of my colleagues in the other body agree, should be put in place. We are going to be faced with more of this in the years ahead. I think some very clear direction for the U.S. Congress on how interrogations ought to be conducted and who conducts them, under what authority, what supervision, what regulation, is absolutely essential.

That is the heart of the amendment. The combat function was really just a throwaway because it was existing law, as I understood it. But I am prepared to be corrected if that is not the case. I was reading from existing statutes regarding contractors and use in combat situations, under what parameters they are allowed to operate, sort of tracking that as to be included here. But I am prepared to stand corrected if that is not the case.

Mr. LEVIN. Will the Senator yield on this issue?

Mr. DODD. Certainly.

Mr. LEVIN. I very much support his effort to codify what should be the rule relative to the use of outside people when it comes to carrying out such a critical function as interrogating prisoners of war.

The same article says—this is the exceptions reference the Senator made—according to the public affairs officer, military commanders in Iraq, and I presume otherwise, “retain the right to



make exceptions." That is the reference the Senator from Connecticut made.

The paragraph after that said the rule does not authorize exceptions involving collection or analysis of tactical intelligence. That is not in quotes. I think it really is important that we see exactly what that policy currently provides, not because it will take the place of a law—it will not, for the reasons given by the Senator from Connecticut. I think we must codify what is right in this area. Whether the policy that exists now is correct or not, we should put this into law because we have to make this point about how significant this is. That means the highest possible level of requirement, which is law—not policy, which can easily be changed or ignored, but law which cannot be ignored—is appropriate here.

I think for a lot of reasons we should try to take a look at what the exact wording of the policy is, not because it will substitute for what the Senator is doing, which is essential, but because we ought to know precisely what the current provisions are.

Mr. DODD. I thank my colleague from Michigan for his comments. I totally agree with him. I thank my colleague from Virginia as well for his counsel.

I ask unanimous consent this amendment be laid aside unless my colleague wants to address it any further, and then we will do some work to see if we can't resolve some of these issues before we move on.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Wyoming.

AMENDMENT NO. 3295

Mr. ENZI. I ask the pending amendment be set aside, and I call up an amendment numbered 3295.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. ENZI] proposes an amendment numbered 3295.

Mr. ENZI. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize the purchase of aircraft for use in aerial firefighting)

On page 280, after line 22, insert the following:

**SEC. 1068. AERIAL FIREFIGHTING EQUIPMENT.**

(a) FINDINGS.—Congress makes the following findings:

(1) The National Interagency Fire Center does not possess an adequate number of aircraft for use in aerial firefighting and personnel at the Center rely on military aircraft to provide such firefighting services.

(2) It is in the national security interest of the United States for the National Interagency Fire Center to purchase aircraft for use in aerial firefighting so that military aircraft used for aerial firefighting may be available for use by the Armed Forces.

(b) AUTHORITY TO PURCHASE AERIAL FIREFIGHTING EQUIPMENT.—(1) The Secretary of

Agriculture is authorized to purchase 10 aircraft, as described in paragraph (2), for the National Interagency Fire Center for use in aerial firefighting.

(2) The aircraft referred to in paragraph (1) shall be—

(A) aircraft that are specifically designed and built for aerial firefighting;

(B) certified by the Administrator of the Federal Aviation Administration for use in aerial firefighting; and

(C) manufactured in a manner that is consistent with the recommendations for aircraft used in aerial firefighting contained in—

(i) the Blue Ribbon Panel Report to the Chief of the Forest Service and the Director of the Bureau of Land Management dated December 2002; and

(ii) the Safety Recommendation of the Chairman of the National Transportation Safety Board related to aircraft used in aerial firefighting dated April 23, 2004.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Agriculture for fiscal year 2005 such funds as may be necessary to purchase the 10 aircraft described in subsection (b).

Mr. ENZI. Madam President, I thank the chairman and ranking member for their cooperation on this amendment.

The purpose of this amendment is to authorize the Secretary of Agriculture to purchase 10 aircraft that were designed and built to fight fires.

The U.S. Forest Service and Bureau of Land Management need to develop a new fleet of aircraft for aerial firefighting in order to free up current military aircraft to fly military missions.

My amendment takes the first step to create a new fleet of aircraft specifically designed for aerial firefighting. Once the new fleet is in place all dedicated military aircraft will be freed up and allowed to be dedicated, once again, for military missions.

On May 10, 2004, the USDA Forest Service and the Department of the Interior terminated the contract for 33 large airtankers used for aerial firefighting because of "concerns over the airworthiness of the aircraft and public safety." The large, fixed-wing airtankers were used in wildland firefighting primarily for initial attack and structure protection support.

The old fleet was made up of aging, former military aircraft that were purchased at bargain basement prices from the surplus military market. They were the worst of the worst and required extensive repairs and refurbishing before they were ready for aerial firefighting.

The USFS has planned to replace the 33 air tankers with 8 military C130s that will be dedicated during the fire season to fly support for domestic fire fighting missions. These planes, therefore, will not be available to support necessary military missions.

The first step in relieving these planes from domestic duty, and making them available for military utilization, is to find a reasonable replacement that is safe and specifically designed for aerial fire fighting.

One example of the kind of aircraft that could be purchased is the Be-200

that would be serviced by a company in my home State of Wyoming.

It was specifically designed to operate as an air tanker and can deliver up to 6,000 gallons of water or other fire suppressants.

It is an amphibious plane that can scoop up the water on the fly.

It can mix the water with slurry in regulated amounts while in the air so it will not be required to fill up at a slurry base after every run.

And, because the water tanks were designed to fit under the cabin floor, it can also carry up to 60 firefighters and their gear as a transport plane while it is functioning as a firefighting tanker.

Our pilots put their lives on the lines to save our property and to save other lives. We owe it to them to have a modern fleet where the risks they face are significantly diminished.

We also owe it to our military to free up our military aircraft for military missions. Right now there are 8 C-130 transport aircraft that cannot be used to fly support missions in the Middle East because they have to be on hand to fight fires in the West.

We have options available to free those aircraft up and we should be developing those options as quickly as possible.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. SMITH. Madam President, I ask unanimous consent to set aside the pending amendment so that I might bring up amendment 3183.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Without objection, the pending amendment is set aside.

AMENDMENT NO. 3183

(Purpose: To provide Federal assistance to States and local jurisdictions to prosecute hate crimes)

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. SMITH] proposes an amendment numbered 3183.

(The amendment is printed in today's RECORD under "Amendments Submitted.")

The PRESIDING OFFICER (Mr. CORNYN). The Senator from Oregon.

Mr. SMITH. Mr. President, if there were a Senator here objecting to laying aside an amendment, I apologize to him or her, but I make no apology for the amendment I am submitting.

The Senate knows well the substance of this amendment because we have debated it in every Congress because it

needs to be debated. But, more importantly, it needs to be passed; that is, the whole issue of hate crimes. People will wonder why it is on a defense authorization. The answer is simply: Because the military, as I will demonstrate, is not immune to the scourge of hate crimes in our country. Second, this is a piece of legislation that needs to pass, and this issue needs to get as far in the process as possible, and I hope to the desk of the President so it can be signed into law.

It needs to be taken up as well because it has overwhelming support in the Senate. On this Defense authorization and in a previous Congress, 57 Senators voted in favor of this amendment. I believe it will have well over 60 this time.

Unfortunately, despite the fact that a majority of Senators support the legislation, Senator KENNEDY and I have felt we need to look for opportunities where there is an obvious nexus between this needed law and a piece of legislation that is likely to move.

The last time, 13 Republicans voted in favor of this legislation. I urge more to do so at this time.

It is no secret that with all the turmoil on the issue of gays and lesbians and their rights in this country, there are very strong feelings on both sides of this issue. I, for one, seek happiness for gays and lesbians in America. I believe in gay rights. But I also believe it is not right in the case of marriage for a few liberals to dictate to the rest of the country a new standard.

Notwithstanding that, I have always felt before you get to marriage, you ought to get rid of hate. I say that as a man who has been married nearly 30 years now. And I think before we take up the issue of marriage we ought to deal with the issue of hate crimes.

Back to the nexus between hate crimes and the defense of our Nation. Two obvious examples come to mind.

In 1992, Navy Seaman Allen R. Schindler was brutally murdered by his shipmate Terry Helvey in Okinawa, Japan. Helvey beat and stomped Schindler to death simply because he was gay. He was attacked so viciously that he destroyed every organ in Schindler's body. He was so badly beaten that Schindler's own mother could not identify him except by the remains of the tattoo on his arm. The medical examiner compared Schindler's injuries to those sustained by victims of fatal airplane crashes.

In another tragic case, PFC Barry Winchell was forced outside his barracks at Fort Campbell Army Base where he was stationed. In the early morning hours of July 5, 1999, Winchell was repeatedly beaten with a baseball bat by another Army private. He was beaten with such force and his injuries so severe that he died shortly thereafter. Barry was only 21, and he was murdered simply because he was gay.

As a nation—a nation that serves as the beacon of freedom and liberty everywhere—we simply cannot tolerate

violence against people based on their race, color, religion, or national origin.

No matter how far our Nation has come and the progress we have made in protecting civil rights for all Americans, there is much work that remains. You cannot fight terror abroad and accept terror at home. We have had in this country hate crimes laws on our books for well over 30 years. They were contested as to their legitimacy all the way to the U.S. Supreme Court. For conservatives who would argue we should not have this as a category of crime, I simply respond it is a category of crime. Motive has always been a category of crime and establishing whether a crime has occurred. William Rehnquist, Justice of the U.S. Supreme Court, now its Chief Justice, wrote the opinion. It is hard to think of a more conservative Justice than Justice Rehnquist. But he is the one who said hate crimes are not just legitimate, they are constitutional.

So the question then becomes, if we have constitutional hate crimes laws on the Federal books that cover race and religion, why not sexual orientation? Is it because some hate them? Do some think it is not legitimate to include them? I simply say that America, if it is to live up to its motto, *e pluribus unum*, must include them.

I think we all know too well the tragic story of James Byrd who was dragged to death in Texas because of his race. We all know the tragically heartrending story of Matthew Shepard who was beaten to death along a lonely stretch of Wyoming fence because he was hated—not because they wanted his watch or his wallet; they didn't like him because he was gay. So they beat him to death.

Why Federal hate crimes laws? Wyoming does not have them, but many States do have hate crimes laws. Why isn't that enough?

Look at what happened in Wyoming. When this little town of Laramie began to pursue the issue, it took on national ramifications. They could have used the help of the Federal Government and its resources. But because of the nature of this hate crime—because it would involve sexual orientation and not race—the Federal authorities were not able to be of any assistance to this case in Wyoming. A Republican sheriff from Wyoming told me they could have used the help, and that he supported this legislation based on his experience.

These last two Congresses, I have entered into the RECORD everyday statements on hate crimes, actual hate crimes committed in our country. I have entered countless hate crime statements into the RECORD—over 300 in the last 300 days we have been in session. I do it to raise awareness, not only about the severity of these crimes but to show the frequency of these crimes.

As the Nobel laureate Eli Wiesel once said: "To hate is to deny another person's humanity." So I do it to remem-

ber the victims of these hate crimes and to give a human face to this violence—to the murderers of these men, the Navy man, the Army private, to Matthew Shepard, to James Byrd.

These murders have shocked the Nation. To think that such virulent hatred of another person's skin or sexual orientation drove another to commit such a heinous act is truly unthinkable, yet it has happened.

Hate crimes tear at the very fabric of our Nation. They seek to intimidate entire groups of Americans and as such divide our Nation. These kinds of crimes do more than harm the victims. They terrorize our entire society and send a message of hate and intolerance to millions of Americans.

What can we do? We can pass this legislation. This legislation, known as the Local Law Enforcement Enhancement Act, is a symbol that can become substance.

The law is a teacher, and we should teach our fellow Americans that bigotry will not be tolerated. The Federal Government must have the power to persuade, to pursue, and to prosecute when hate is the motive of violence against an American, no matter their race, sexual orientation, religion, disability, or gender. By changing the law, we can change hearts and minds as well.

I urge my colleagues to do so, to change hearts and minds, and in some cases to change their vote, and to vote in favor of this amendment. Don't go to marriage until we have gotten rid of hate.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SMITH. I yield the floor.

Mr. WARNER. Mr. President, the amendment from our distinguished colleague from Oregon will require the attention of a number of colleagues. While there was no specific agenda for the amendments today, as a matter of comity we need some time.

For the moment, I am wondering if we could put in a quorum so we can assert the availability of one or more Members who might wish to address this. If not, there are other amendments which the Senator from Michigan and I are prepared to clear. Without any procedure by which it impedes the Senate addressing the Senator's amendment, I am sure the Senator would be willing to lay the amendment aside for the purpose of clearing amendments.

Mr. SMITH. I would accommodate any colleagues in any sense of comity that is appropriate to the Senate. I do want to vote. I do want to debate. We do not need to take a lot of time. This has overwhelming bipartisan support. We do not mean to gum up this bill. As I believe the chairman knows, this is offered in good faith. I know there are some objections to it. It is fine to air those. But let's discuss it quickly and

vote on it so we can get on with the other defense issues.

Mr. WARNER. In no way do I indicate it would gum up the bill. I am just trying to address the procedure so colleagues on the other side are given the opportunity to come to the Senate. I am exploring that now. It is a very serious amendment, and it deserves careful consideration by the proponents as well as the opponents.

Mr. LEVIN. Mr. President, I know Senator KENNEDY cosponsored this bill and has a major interest in this bill. We are trying to determine whether he wishes to speak at this point.

For the reasons given by our chairman, I gather this amendment will be laid aside until other colleagues who wish to have something to say on it have that opportunity. We are checking also with Senator KENNEDY.

Mr. SMITH. I note that Senator KENNEDY did not know I was coming here today, but I was told by good authority that if we wanted this included at all, we should include it today. I would very much like to make available a time—a time agreement can be short—that includes remarks by Senator KENNEDY.

Mr. LEVIN. I don't know whether it is possible to enter into a time agreement. The chairman would have a better feel for that.

I am a strong supporter of this amendment and this effort of Senator SMITH and Senator KENNEDY. From my perspective, the sooner we vote on this, the better. It is long overdue that it become law. I commend the Senator on this amendment and Senator KENNEDY for his tenacity as well. I hope the chairman can work out with other colleagues who want to speak on it in relation to some time agreement.

Mr. WARNER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 3312, AS MODIFIED

Mr. LEVIN. Mr. President, I think now the order of business is that we have 2 minutes, as I remember, equally divided on the Dodd amendment. Then we will proceed to a vote at 5:30.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, first of all, I thank my colleagues on the Armed Services Committee, the chairman, Senator WARNER, and Senator LEVIN. I do not want to speak for the majority, but based on what Senator WARNER said earlier, I believe he may be supportive of the amendment. If that is the case, I welcome that.

Very briefly, the amendment is designed to provide reimbursement dollars for expenditures incurred by people in the military, their family mem-

bers, or nonprofit organizations that have purchased body armor, additional protection for our men and women serving in Afghanistan and Iraq.

There are limitations. There is a time-definite period during which those acquisitions had to occur. The acquisitions must be approved by field commanders rather than just the individuals. There is a dollar-amount limitation of \$1,100 on any purchase.

I do not know how widespread this is. I have commended the Armed Services Committee for substantially increasing the President's request of some \$57 million to \$262 million in this area, which I believe is going to tremendously assist in seeing to it that our men and women in uniform have whatever they need to allow them to perform their very difficult functions in two very different and difficult theaters.

Certainly, having loved ones acquire this equipment is unacceptable to all of us. This amendment is designed to make whole those who have incurred the costs. Again, I am grateful to the Armed Services Committee for what I assume is an indication of some support of the amendment.

Mr. LAUTENBERG. Mr. President, I rise today to discuss a very important amendment to the Defense authorization bill. I have worked with my colleague from Connecticut to draft an amendment that will reimburse U.S. troops serving in Iraq and Central Asia and their family members for flak jackets, weapons and other equipment they have bought out of their own pocket.

At the beginning of this war, the President claimed, "We must always make sure that America's soldiers are well-equipped and well trained to fight this war on terror." However, the administration has not provided the adequate equipment the troops need to do their work, such as enough body armor or the most up to date Global Positioning Systems, GPS.

In March 2004, I traveled to Iraq with a group of Senators. I spoke to soldiers from all different types of units, both active duty and reservists. When I spoke to the brave members of our Armed Services, I was appalled to hear that many of them needed higher quality flak jackets, more modern, lighter rifles, and armor for their HUMVEE vehicles.

I have since learned that worried mothers and fathers throughout the country have gone to great lengths to purchase expensive equipment for sons or daughters, because they are dissatisfied with the inferior, inadequate equipment the Pentagon is providing.

In a few instances, parents in New Jersey and elsewhere have gone out and bought the equipment for their sons and daughters and shipped it through Federal Express to Iraq. I find this fact incredible. It is unconscionable that the parents of our service members and their loved ones fighting on behalf of our country have been abandoned by the civilian war planners at the Pentagon.

The administration, because of its inept planning and military miscalculations has forced hardworking Americans to pay for equipment that should be provided by the Armed Services.

Our amendment instructs the Secretary of Defense to immediately reimburse our courageous troops and their families for protective, safety or health equipment they have purchased with their own funds. This includes both the cost of the equipment itself and the shipping costs.

The civilian Pentagon war planners have been planning the Iraq war since 2002. That is two years to figure out how to get the correct body armor and lighter weapons to our troops. The Pentagon's inability to equip our young men and women who are sacrificing their lives on behalf of this country is just among many egregious, unforgivable mistakes they have made.

I am deeply disappointed with the civilian war planners at the administration and I hope through this amendment, the Senate will speak on behalf of the over 170,000 U.S. personnel currently serving in Iraq and Afghanistan and their safety and protection.

I yield the floor.

Mr. WARNER. Mr. President, I have indicated my support. I ask unanimous consent that I may proceed for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I had asked my colleague, in the course of our colloquy, and I think he agreed with me, that so much of this purchase of odd pieces of equipment is anecdotal. You actually had a case in which you had documentation. But a lot of the other instances are anecdotal. Given the callup of so many people in the Reserves and Guard and so forth, coming loyally to do their duty, I think there had been some misunderstanding. We agreed in the area of Humvees, the Army got a bit behind on some of the modifications necessary. The Army got somewhat behind on the body armor. But generally speaking, the U.S. military has been well supplied and well equipped, and no large numbers of them were sent into harm's way—in this particular situation, two of them in Afghanistan and Iraq—without the benefit of that equipment. We concur on that.

But I am glad to assist the Senator and indicate a willingness to support the amendment in those isolated areas where in good faith citizens of our community and the soldiers themselves bought bits and pieces of equipment.

Mr. DODD. Mr. President, I have no information to argue with the conclusions of the chairman of the committee. My hope would be that is exactly the case. There are only a few isolated cases. If there are more, we will discover that. But on the basis of what we know thus far, there was a case in Connecticut, a serious one in Alabama, one in New Jersey. There

have been others. Even if there are a few, they are a few too many. In this case, we will provide some compensation for them as a result of those acquisitions.

Mr. WARNER. Mr. President, it is my understanding the yeas and nays have been ordered. We are prepared to move forward with the vote.

The PRESIDING OFFICER. That is correct. The yeas and nays have been ordered.

The question is on agreeing to amendment No. 3312, as modified. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Utah (Mr. HATCH) is necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Delaware (Mr. CARPER), the Senator from New Jersey (Mr. CORZINE), the Senator from North Carolina (Mr. EDWARDS), the Senator from Vermont (Mr. JEFFORDS), the Senator from Massachusetts (Mr. KERRY), the Senator from Wisconsin (Mr. KOHL), and the Senator from Vermont (Mr. LEAHY) are necessarily absent.

I further announce that, if present and voting, the Senator from Vermont (Mr. LEAHY) would vote "yea."

The result was announced—yeas 91, nays 0, as follows:

[Rollcall Vote No. 112 Leg.]

#### YEAS—91

Akaka	Dole	McConnell
Alexander	Domenici	Mikulski
Allard	Dorgan	Miller
Allen	Durbin	Murkowski
Baucus	Ensign	Murray
Bayh	Enzi	Nelson (FL)
Bennett	Feingold	Nelson (NE)
Bingaman	Feinstein	Nickles
Bond	Fitzgerald	Pryor
Boxer	Frist	Reed
Breaux	Graham (FL)	Reid
Brownback	Graham (SC)	Roberts
Bunning	Grassley	Rockefeller
Burns	Gregg	Santorum
Byrd	Hagel	Sarbanes
Campbell	Harkin	Schumer
Cantwell	Hollings	Sessions
Chafee	Hutchison	Shelby
Chambliss	Inhofe	Smith
Clinton	Inouye	Snowe
Cochran	Johnson	Specter
Coleman	Kennedy	Stabenow
Collins	Kyl	Stevens
Conrad	Landrieu	Sununu
Cornyn	Lautenberg	Talent
Craig	Levin	Thomas
Crapo	Lieberman	Voivovich
Daschle	Lincoln	Warner
Dayton	Lott	Wyden
DeWine	Lugar	
Dodd	McCain	

#### NOT VOTING—9

Biden	Edwards	Kerry
Carper	Hatch	Kohl
Corzine	Jeffords	Leahy

The amendment (No. 3312), as modified, was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I ask unanimous consent that the managers of the bill may proceed to do cleared amendments, and for that purpose I

ask unanimous consent that all amendments be laid aside.

The PRESIDING OFFICER (Mr. FITZGERALD). Without objection, it is so ordered.

Mr. WARNER. I thank the Presiding Officer. We will be on the way here momentarily.

#### AMENDMENT NO. 3344

Mr. LEVIN. Mr. President, on behalf of Senator BYRD, I call up amendment No. 3344 which would modify the Report on the National Technology and Industrial Base required by section 841 of the bill.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. BYRD, for himself, Ms. SNOWE, Mr. KERRY, Mr. ALLEN, and Mr. COLEMAN proposes an amendment numbered 3344.

The amendment is as follows:

(Purpose: To require the Commission on the Future of the National Technology and Industrial Base to consider shortages of critical technologies and to make recommendations regarding shortages; and to ensure adequate consideration of small business interests by the Commission)

Beginning on page 167, strike line 6 and all that follows through "(4)" on page 170, line 10, and insert the following:

(B) persons who are representative of labor organizations associated with the defense industry, and persons who are representative of small business concerns or organizations of small business concerns that are involved in Department of Defense contracting and other Federal Government contracting.

(3) The appointment of the members of the Commission under this subsection shall be made not later than March 1, 2005.

(4) Members shall be appointed for the life of the Commission. A vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(5) The President shall designate one member of the Commission to serve as the Chairman of the Commission.

(c) MEETINGS.—(1) The Commission shall meet at the call of the Chairman.

(2) A majority of the members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(d) DUTIES.—(1) The Commission shall—

(A) study the issues associated with the future of the national technology and industrial base in the global economy, particularly with respect to its effect on United States national security; and

(B) assess the future ability of the national technology and industrial base to attain the national security objectives set forth in section 2501 of title 10, United States Code.

(2) In carrying out the study and assessment under paragraph (1), the Commission shall consider the following matters:

(A) Existing and projected future capabilities of the national technology and industrial base.

(B) The impact on the national technology and industrial base of civil-military integration and the growing dependence of the Department of Defense on the commercial market for defense products and services.

(C) Any current or projected shortages of a critical technology (as defined in section 2500(6) of title 10, United States Code), or the raw materials necessary for the production of such technology, that could adversely affect the national security of the United States.

(D) The effects of domestic source restrictions on the strength of the national technology and industrial base.

(E) The effects of the policies and practices of United States allies and trading partners on the national technology and industrial base.

(F) The effects on the national technology and industrial base of laws and regulations related to international trade and the export of defense technologies and dual-use technologies.

(G) The adequacy of programs that support science and engineering education, including programs that support defense science and engineering efforts at institutions of higher learning, with respect to meeting the needs of the national technology and industrial base.

(H) The implementation of policies and planning required under subchapter II of chapter 148 of title 10, United States Code, and other provisions of law designed to support the national technology and industrial base.

(I) The role of the Manufacturing Technology program, other Department of Defense research and development programs, and the utilization of the authorities of the Defense Production Act of 1950 to provide transformational breakthroughs in advanced manufacturing technologies and processes that ensure the strength and productivity of the national technology and industrial base.

(J) The role of small business concerns in strengthening the national technology and industrial base.

(e) REPORT.—Not later than March 1, 2007, the Commission shall submit a report on its activities to the President and Congress. The report shall include the following matters:

(1) The findings and conclusions of the Commission.

(2) The recommendations of the Commission for actions by Federal Government officials to support the maintenance of a robust national technology and industrial base in the 21st century.

(3) The recommendations of the Commission for addressing shortages in critical technologies, and shortages of raw materials necessary for the production of critical technologies, that could adversely affect the national security of the United States.

(4) Any recommendations for legislation or changes in regulations to support the implementation of the findings of the Commission.

(5) \*\*\*

Mr. WARNER. Mr. President, it has been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3344) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 3435

Mr. WARNER. Mr. President, on behalf of Senator MCCONNELL and Senator GRAHAM of South Carolina, I call up amendment No. 3435 which would authorize the Secretary of the Navy to convey land at the Naval Weapons Station in Charleston, S.C.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. MCCONNELL, for himself and Mr.

GRAHAM of South Carolina, proposes an amendment numbered 3435.

The amendment is as follows:

(Purpose: To provide for a conveyance of land at the Naval Weapons Station, Charleston, South Carolina)

On page 365, between lines 18 and 19, insert the following:

**SEC. 2830. LAND CONVEYANCE, NAVAL WEAPONS STATION, CHARLESTON, SOUTH CAROLINA.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the Berkeley County Sanitation Authority, South Carolina (in this section referred to as the "Authority"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of not more than 23 acres and comprising a portion of the Naval Weapons Station, Charleston, South Carolina, for the purpose of allowing the Authority to expand an existing sewage treatment plant.

(b) CONSIDERATION.—As consideration for the conveyance of property under subsection (a), the Authority shall provide the United States, whether by cash payment, in-kind services, or a combination thereof, an amount that is not less than the fair market value, as determined by an appraisal acceptable to the Secretary, of the property conveyed under such subsection.

(c) PAYMENT OF COSTS OF CONVEYANCE.—(1) The Secretary may require the Authority to cover costs incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including appraisal costs, survey costs, costs related to compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and environmental remediation, and other administrative costs related to the conveyance. If the amounts are collected from the Authority in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Authority.

(2) Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be made available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Authority.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Mr. LEVIN. Mr. President, that amendment has been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to. The amendment (No. 3435) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3314

Mr. LEVIN. Mr. President, on behalf of Senator LANDRIEU, I call up amendment No. 3314 which would authorize the Army to convey the inactive Louisiana army ammunition plant to the State of Louisiana in return for an agreement that the State would guarantee that the Army and the Army Guard can continue to use it as a training site and the State would also assume cleanup responsibilities after 5 years.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mrs. LANDRIEU, proposes an amendment numbered 3314.

The amendment is as follows:

(Purpose: To authorize the conveyance of land at Louisiana Army Ammunition Plant, Doyline, Louisiana)

On page 365, between lines 18 and 19, insert the following:

**SEC. 2830. LAND CONVEYANCE, LOUISIANA ARMY AMMUNITION PLANT, DOYLINE, LOUISIANA.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the State of Louisiana (in this section referred to as the "State") all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 14,949 acres located at the Louisiana Army Ammunition Plant, Doyline, Louisiana.

(b) CONSIDERATION.—As consideration for the conveyance of property under subsection (a), the State shall—

(1) maintain at least 13,500 acres of such property for the purpose of military training, unless the Secretary determines that fewer acres are required for such purpose;

(2) ensure that any other uses that are made of the property conveyed under subsection (a) do not adversely impact military training;

(3) accommodate the use of such property, at no cost or fee, for meeting the present and future training needs of Armed Forces units, including units of the Louisiana National Guard and the other active and reserve components of the Armed Forces;

(4) assume, starting on the date that is five years after the date of the conveyance of such property, responsibility for any monitoring, sampling, or reporting requirements that are associated with the environmental restoration activities of the Army on the Louisiana Army Ammunition Plant, and shall bear such responsibility until such time as such monitoring, sampling, or reporting is no longer required; and

(5) assume the rights and responsibilities of the Army under the armaments retooling manufacturing support agreement between the Army and the facility use contractor with respect to the Louisiana Army Ammunition Plant in accordance with the terms of such agreement in effect at the time of the conveyance.

(c) PAYMENT OF COSTS OF CONVEYANCE.—(1) The Secretary may require the State to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the State in advance of the Secretary incurring the actual costs, and

the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to State.

(2) Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by surveys satisfactory to the Secretary. The cost of each survey shall be borne by the State.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Mr. WARNER. Mr. President, I wonder if the Senator from Michigan would look at the preamble. It states "and the Army Guard." That would be the Army National Guard.

Mr. LEVIN. The Senator is correct.

Mr. WARNER. There is no objection, Mr. President.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3314) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3229

Mr. WARNER. Mr. President, on behalf of Senator McCain, I call up amendment No. 3229 that would authorize up to 50 permanent or career professors at each of three service academies to be excluded from consideration under existing statutory grade limitation for officers.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. McCain, proposes an amendment numbered 3229.

The amendment is as follows:

(Purpose: To exclude service academy permanent and career professors from a limitation on strengths applicable to active duty officers in grades of major, lieutenant colonel, and colonel and Navy grades of lieutenant commander, commander, and captain)

On page 60, after line 23, insert the following:

**SEC. 403. EXCLUSION OF SERVICE ACADEMY PERMANENT AND CAREER PROFESSORS FROM A LIMITATION ON CERTAIN OFFICER GRADE STRENGTHS.**

Section 523(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(8) Up to 50 permanent professors of each of the United States Military Academy and the United States Air Force Academy, and up to 50 professors of the United States Naval Academy who are career military professors (as defined in regulations prescribed by the Secretary of the Navy)."

Mr. LEVIN. Mr. President, the amendment has been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3229) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I would like to commend the distinguished Senator from Arizona. He serves on the Naval Academy Board. He is very familiar with the academy structure, being a graduate himself of the Naval Academy. I strongly support him in the objective he has in his amendment.

AMENDMENT NO. 3257, AS MODIFIED

Mr. LEVIN. Mr. President, on behalf of Senator KENNEDY, I call up amendment No. 3257 which would codify certain requirements for public-private competition for the performance of the Department of Defense functions, and also on behalf of Senator KENNEDY I send a modification to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. KENNEDY, for himself and Mr. CHAMBLISS, proposes an amendment numbered 3257, as modified.

The amendment is as follows:

(Purpose: To provide for improved assessment of public-private competition for work performed by civilian employees of the Department of Defense)

On page 184, between lines 16 and 17, insert the following:

#### Subtitle F—Public-Private Competitions

#### SEC. 856. PUBLIC-PRIVATE COMPETITION FOR WORK PERFORMED BY CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

(a) LIMITATION.—Section 2461(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(5)(A) Notwithstanding subsection (d), a function of the Department of Defense performed by 10 or more civilian employees may not be converted, in whole or in part, to performance by a contractor unless the conversion is based on the results of a public-private competition process that—

“(i) formally compares the cost of civilian employee performance of that function with the costs of performance by a contractor;

“(ii) creates an agency tender, including a most efficient organization plan, in accordance with Office of Management and Budget Circular A-76, as implemented on May 29, 2003;

“(iii) requires continued performance of the function by civilian employees unless the competitive sourcing official concerned determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of \$10,000,000 or 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; and

“(iv) ensures that the public sector bid would not be disadvantaged in the cost comparison process by a proposal of an offeror to reduce costs for the Department of Defense by not making an employer-sponsored health insurance plan available to the workers who are to be employed in the performance of such function under a contract or by offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than that which is paid by the Department of Defense for health benefits for civilian employees under chapter 89 of title 5.

“(B) Any function that is performed by civilian employees of the Department of Defense and is proposed to be reengineered, reorganized, modernized, upgraded, expanded, or changed in order to become more efficient shall not be considered a new requirement for the purpose of the competition requirements in subparagraph (A) or the requirements for public-private competition in Office of Management and Budget Circular A-76.

“(C) A function performed by more than 10 Federal Government employees may not be separated into separate functions for the purposes of avoiding the competition requirement in subparagraph (A) or the requirements for public-private competition in Office of Management and Budget Circular A-76.

“(D) The Secretary of Defense may waive the requirement for a public-private competition under subparagraph (A) in specific instances if—

“(i) the written waiver is prepared by the Secretary of Defense or the relevant Assistant Secretary of Defense, Secretary of a military department, or head of a Defense Agency;

“(ii) the written waiver is accompanied by a detailed determination that national security interests are so compelling as to preclude compliance with the requirement for a public-private competition; and

“(iii) a copy of the waiver is published in the Federal Register within 10 working days after the date on which the waiver is granted, although use of the waiver need not be delayed until its publication.”.

(b) INAPPLICABILITY TO BEST-VALUE SOURCE SELECTION PILOT PROGRAM.—(1) Paragraph (5) of section 2461(b) of title 10, United States Code, as added by subsection (a), shall not apply with respect to the pilot program for best-value source selection for performance of information technology services authorized by section 336 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 117 Stat. 1444; 10 U.S.C. 2461 note).

#### SEC. 857. PERFORMANCE OF CERTAIN WORK BY FEDERAL GOVERNMENT EMPLOYEES.

(a) GUIDELINES.—(1) The Secretary of Defense shall prescribe guidelines and procedures for ensuring that consideration is given to using Federal Government employees on a regular basis for work that is performed under Department of Defense contracts and could be performed by Federal Government employees.

(2) The guidelines and procedures prescribed under paragraph (1) shall provide for special consideration to be given to contracts that—

(A) have been performed by Federal Government employees at any time on or after October 1, 1980;

(B) are associated with the performance of inherently governmental functions;

(C) were not awarded on a competitive basis; or

(D) have been determined by a contracting officer to be poorly performed due to excessive costs or inferior quality.

(b) NEW REQUIREMENTS.—(1) No public-private competition may be required under Office of Management and Budget Circular A-76 or any other provision of law or regulation before the performance of a new requirement by Federal Government employees commences, the performance by Federal Government employees of work pursuant to subsection (a) commences, or the scope of an existing activity performed by Federal Government employees is expanded. Office of Management and Budget Circular A-76 shall be revised to ensure that the heads of all Federal agencies give fair consideration to the performance of new requirements by Federal Government employees.

(2) The Secretary of Defense shall, to the maximum extent practicable, ensure that Federal Government employees are fairly considered for the performance of new requirements, with special consideration given to new requirements that include functions that—

(A) are similar to functions that have been performed by Federal Government employees at any time on or after October 1, 1980; or

(B) are associated with the performance of inherently governmental functions.

(c) USE OF FLEXIBLE HIRING AUTHORITY.—The Secretary shall include the use of the flexible hiring authority available through the National Security Personnel System in order to facilitate performance by Federal Government employees of new requirements and work that is performed under Department of Defense contracts.

(d) INSPECTOR GENERAL REPORT.—Not later than 180 days after the enactment of this Act, the Inspector General of the Department of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the compliance of the Secretary of Defense with the requirements of this section.

(e) DEFINITIONS.—In this section:

(1) The term “National Security Personnel System” means the human resources management system established under the authority of section 9902 of title 5, United States Code.

(2) The term “inherently governmental function” has the meaning given that term in section 5 of the Federal Activities Inventory Reform Act of 1998 (Public Law 105-270; 112 Stat. 2384; 31 U.S.C. 501 note).

#### SEC. 858. COMPETITIVE SOURCING REPORTING REQUIREMENT.

Not later than February 1, 2005, the Inspector General of the Department of Defense shall submit to Congress a report addressing whether the Department of Defense—

(1) employs a sufficient number of adequately trained civilian employees—

(A) to conduct satisfactorily, taking into account equity, efficiency and expeditiousness, all of the public-private competitions that are scheduled to be undertaken by the Department of Defense during the next fiscal year (including a sufficient number of employees to formulate satisfactorily the performance work statements and most efficient organization plans for the purposes of such competitions); and

(B) to administer any resulting contracts; and

(2) has implemented a comprehensive and reliable system to track and assess the cost and quality of the performance of functions of the Department of Defense by service contractors.

Mr. WARNER. Mr. President, I believe the amendment has been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3257) was agreed to.



Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 3224

Mr. WARNER. Mr. President, on behalf of Senator COLLINS and Senator LEVIN, I send an amendment No. 3224 to the desk which would provide Federal employees with bid protection rights and actions under the OMB Circular 876 process.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Ms. COLLINS, for herself and Mr. LEVIN, proposes an amendment numbered 3224.

The amendment is as follows:

(Purpose: To amend title 31, United States Code, to provide Federal Government employees with bid protest rights in actions under Office of Management and Budget Circular A-76, and for other purposes)

On page 290, after line 22, insert the following:

#### SEC. 1107. BID PROTESTS BY FEDERAL EMPLOYEES IN ACTIONS UNDER OFFICE OF MANAGEMENT AND BUDGET CIRCULAR A-76.

(a) ELIGIBILITY TO PROTEST.—(1) Section 3551(2) of title 31, United States Code, is amended to read as follows:

“(2) The term ‘interested party’—

“(A) with respect to a contract or a solicitation or other request for offers described in paragraph (1), means an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of the contract or by failure to award the contract; and

“(B) with respect to a public-private competition conducted under Office of Management and Budget Circular A-76 regarding performance of an activity or function of a Federal agency, includes—

“(i) any official who submitted the agency tender in such competition; and

“(ii) any one person who, for the purpose of representing them in a protest under this subchapter that relates to such competition, has been designated as their agent by a majority of the employees of such Federal agency who are engaged in the performance of such activity or function.”.

(2)(A) Subchapter V of chapter 35 of such title is amended by adding at the end the following new section:

#### “§ 3557. Expedited action in protests for public-private competitions

“For protests in cases of public-private competitions conducted under Office of Management and Budget Circular A-76 regarding performance of an activity or function of Federal agencies, the Comptroller General shall administer the provisions of this subchapter in a manner best suited for expediting final resolution of such protests and final action in such competitions.”.

(B) The chapter analysis at the beginning of such chapter is amended by inserting after the item relating to section 3556 the following new item:

“3557. Expedited action in protests for public-private competitions.”.

(b) RIGHT TO INTERVENE IN CIVIL ACTION.—Section 1491(b) of title 28, United States Code, is amended by adding at the end the following new paragraph:

“(5) If a private sector interested party commences an action described in paragraph

(1) in the case of a public-private competition conducted under Office of Management and Budget Circular A-76 regarding performance of an activity or function of a Federal agency, then an official or person described in section 3551(2)(B) of title 31 shall be entitled to intervene in that action.”.

(c) APPLICABILITY.—Subparagraph (B) of section 3551(2) of title 31, United States Code (as added by subsection (a)), and paragraph (5) of section 1491(b) of title 28, United States Code (as added by subsection (b)), shall apply to—

(1) protests and civil actions that challenge final selections of sources of performance of an activity or function of a Federal agency that are made pursuant to studies initiated under Office of Management and Budget Circular A-76 on or after January 1, 2004; and

(2) any other protests and civil actions that relate to public-private competitions initiated under Office of Management and Budget Circular A-76 on or after the date of the enactment of this Act.

Mr. LEVIN. Mr. President, the amendment has been cleared on this side. I am a proud cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3224) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 3340

Mr. LEVIN. Mr. President, on behalf of myself and Senator FEINSTEIN, I call up amendment No. 3340 which would give authority to the Navy to settle a claim related to property associated with a former naval hospital in Oakland. This settlement has been agreed to by, I guess, all of the parties.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself and Mrs. FEINSTEIN, proposes an amendment numbered 3340.

The amendment is as follows:

(Purpose: To authorize the settlement of the claim of the Oakland Base Reuse Authority and Redevelopment Agency of the City of Oakland, California)

At the end of subtitle D of title XXVIII, add the following:

#### SEC. 2844. AUTHORITY TO SETTLE CLAIM OF OAKLAND BASE REUSE AUTHORITY AND REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND, CALIFORNIA.

(a) AUTHORITY.—The Secretary of the Navy may pay funds as agreed to by both parties, in the amount of \$2,100,000, to the Oakland Base Reuse Authority and Redevelopment Agency of the City of Oakland, California, in settlement of Oakland Base Reuse Authority and Redevelopment Agency of the City of Oakland v. the United States, Case No. C02-4652 MHP, United States District Court, Northern District of California, including any appeal.

(b) CONSIDERATION.—As consideration, the Oakland Base Reuse Authority and Redevelopment Agency shall agree that the payment constitutes a final settlement of all claims against the United States related to said case and give to the Secretary a release of all claims to the eighteen officer housing

units located at the former Naval Medical Center Oakland, California. The release shall be in a form that is satisfactory to the Secretary.

(c) SOURCE OF FUNDS.—The Secretary may use funds in the Department of Defense Base Closure Account 1990 established pursuant to section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) for the payment authorized by subsection (a) or the proceeds of sale from the eighteen housing units and property described in subsection (b).

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3340) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 3432

Mr. WARNER. Mr. President, on behalf of myself, Senator LEVIN and others, I call up amendment No. 3432 which would amend the short title of the Defense authorization bill in honor of the late President Ronald W. Reagan.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself, Mr. FRIST, Mr. STEVENS, Mr. MCCONNELL, Mr. LEVIN, Mr. MCCAIN, Mrs. HUTCHISON, Mr. INHOFE, Mr. KYL, Mr. SANTORUM, Mr. ROBERTS, Mr. ALLARD, Mr. SESSIONS, Ms. COLLINS, Mr. ENSIGN, Mr. TALENT, Mr. CHAMBLISS, Mr. GRAHAM of South Carolina, Mrs. DOLE, Mr. CORNYN, Mr. INOUE, Mr. COCHRAN, Mr. GRASSLEY, Mr. LUGAR, Mr. NICKLES, Mr. BURNS, Mr. LOTT, and Mr. LIEBERMAN, proposes an amendment numbered 3432.

The amendment is as follows:

(Purpose: To amend the short title to name the bill in honor of the late Ronald W. Reagan, the 40th President of the United States)

On page 2, beginning on line 2, strike “National Defense Authorization Act for Fiscal Year 2005” and insert “Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005”.

Mr. LEVIN. The amendment has been cleared and very strongly cosponsored by many Members on this side of the aisle, as well as I think probably everyone if they had the opportunity which they can, of course, do at a later time.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3432) was agreed to.

Mr. WARNER. I appreciate the Presiding Officer's action on that. I am very proud to have initiated this. I am very proud of the number of cosponsors on both sides, and Senator LEVIN's strong bipartisanship.

I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 3221

Mr. WARNER. Mr. President, on behalf of Senators LOTT, COCHRAN,

SNOWE, and COLLINS I call up amendment No. 3221, which ensures the continuity of search and rescue capabilities of the Federal Government.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. LOTT, for himself, Ms. SNOWE, Mr. COCHRAN, and Ms. COLLINS, proposes an amendment numbered 3221.

The amendment is as follows:

(Purpose: To ensure continuity of the search and rescue capabilities of the Federal Government)

On page 280, after line 22, insert the following:

**SEC. 1068. PRESERVATION OF SEARCH AND RESCUE CAPABILITIES OF THE FEDERAL GOVERNMENT.**

The Secretary of Defense may not reduce or eliminate search and rescue capabilities at any military installation in the United States unless the Secretary first certifies to the Committees on Armed Services of the Senate and the House of Representatives that equivalent search and rescue capabilities will be provided, without interruption and consistent with the policies and objectives set forth in the United States National Search and Rescue Plan entered into force on January 1, 1999, by—

(1) the Department of Interior, the Department of Commerce, the Department of Homeland Security, the Department of Transportation, the Federal Communications Commission, or the National Aeronautics and Space Administration; or

(2) the Department of Defense, either directly or through a Department of Defense contract with an emergency medical service provider or other private entity to provide such capabilities.

Mr. WARNER. The amendment has been cleared and is agreeable.

Mr. LEVIN. The amendment has been cleared on this side.

Mr. WARNER. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3221) was agreed to.

Mr. WARNER. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

**AMENDMENT NO. 3376, AS MODIFIED**

Mr. LEVIN. On behalf of Senator BILL NELSON, I call up amendment No. 3376, which will set forth the sense of the Congress that the Secretary of Defense should provide support for reduced launch costs and enhanced technical capabilities at space launch ranges through additional safety systems, and on behalf of Senator NELSON I send a modification to the desk and ask that the modification be considered.

The PRESIDING OFFICER. Without objection, it is so modified.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. NELSON of Florida, proposes an amendment numbered 3376, as modified.

The amendment is as follows:

(Purpose: To express the sense of Congress on space launch ranges)

On page 256, between lines 10 and 11, insert the following:

**SEC. 1035. SENSE OF CONGRESS ON SPACE LAUNCH RANGES.**

It is the sense of Congress that the Secretary of Defense should provide support for, and continue the development, certification, and deployment of portable range safety systems that are capable of—

(1) reducing costs related to national security space launches and launch infrastructure; and

(2) enhancing technical capabilities and operational safety at the Eastern, Western, and other United States space launch ranges.

Mr. WARNER. The amendment has been cleared. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3376) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

**AMENDMENT NO. 3167**

Mr. WARNER. Mr. President, on behalf of Senator DOMENICI, I call up amendment No. 3167, which requires the Secretary of Defense to submit a report on potential missile defense test ranges.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. DOMENICI, proposes an amendment numbered 3167.

The amendment is as follows:

(Purpose: To require a report on the availability of launch sites that permit realistic overland test flights for defenses against short-range ballistic missile systems)

At the end of subtitle C of title X, add the following:

**SEC. 1022. REPORT ON AVAILABILITY OF LAUNCH SITES PERMITTING REALISTIC OVERLAND TEST FLIGHTS FOR DEFENSES AGAINST SHORT-RANGE BALLISTIC MISSILE SYSTEMS.**

(a) FINDING.—Congress finds that the testing of defenses against short-range ballistic missile systems require overland flights of such systems of at least 1,000 kilometers in order to accurately simulate realistic environmental conditions that affect such defenses.

(b) REPORT ON AVAILABILITY OF LAUNCH SITES.—The Secretary of Defense shall submit to Congress a report assessing the availability to the Department of Defense of launch sites that permit overland flights of short-range ballistic missile systems of at least 1,000 kilometers in order to accurately simulate realistic environmental conditions that affect such defenses.

Mr. LEVIN. The amendment has been cleared on this side.

Mr. WARNER. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3167) was agreed to.

Mr. WARNER. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

**AMENDMENT NO. 3296**

Mr. LEVIN. Mr. President, on behalf of Senator SARBANES, I call up amendment No. 3296, which would grant a Federal charter to the Korean War Veterans Association, Incorporated.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. SARBANES and Mr. WARNER, proposes an amendment numbered 3296.

The amendment is as follows:

(Purpose: To grant a Federal charter to Korean War Veterans Association, Incorporated)

At the end of subtitle G of title X, add the following:

**SEC. 1068. GRANT OF FEDERAL CHARTER TO KOREAN WAR VETERANS ASSOCIATION, INCORPORATED.**

(a) GRANT OF CHARTER.—Part B of subtitle II of title 36, United States Code, is amended—

(1) by striking the following:

**“CHAPTER 1201—[RESERVED]”; and**

(2) by inserting the following:

**“CHAPTER 1201—KOREAN WAR VETERANS ASSOCIATION, INCORPORATED**

**“Sec.**

**“120101. Organization.**

**“120102. Purposes.**

**“120103. Membership.**

**“120104. Governing body.**

**“120105. Powers.**

**“120106. Restrictions.**

**“120107. Duty to maintain corporate and tax-exempt status.**

**“120108. Records and inspection.**

**“120109. Service of process.**

**“120110. Liability for acts of officers and agents.**

**“120111. Annual report.**

**“§ 120101. Organization**

**“(a) FEDERAL CHARTER.—Korean War Veterans Association, Incorporated (in this chapter, the ‘corporation’), incorporated in the State of New York, is a federally chartered corporation.**

**“(b) EXPIRATION OF CHARTER.—If the corporation does not comply with the provisions of this chapter, the charter granted by subsection (a) expires.**

**“§ 120102. Purposes**

**“The purposes of the corporation are as provided in its articles of incorporation and include—**

**“(1) organizing, promoting, and maintaining for benevolent and charitable purposes an association of persons who have seen honorable service in the Armed Forces during the Korean War, and of certain other persons;**

**“(2) providing a means of contact and communication among members of the corporation;**

**“(3) promoting the establishment of, and establishing, war and other memorials commemorative of persons who served in the Armed Forces during the Korean War; and**

**“(4) aiding needy members of the corporation, their wives and children, and the widows and children of persons who were members of the corporation at the time of their death.**

**“§ 120103. Membership**

**“Eligibility for membership in the corporation, and the rights and privileges of members of the corporation, are as provided in the bylaws of the corporation.**

**§ 120104. Governing body**

“(a) BOARD OF DIRECTORS.—The board of directors of the corporation, and the responsibilities of the board of directors, are as provided in the articles of incorporation of the corporation.

“(b) OFFICERS.—The officers of the corporation, and the election of the officers of the corporation, are as provided in the articles of incorporation.

**§ 120105. Powers**

“The corporation has only the powers provided in its bylaws and articles of incorporation filed in each State in which it is incorporated.

**§ 120106. Restrictions**

“(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

“(b) POLITICAL ACTIVITIES.—The corporation, or a director or officer of the corporation as such, may not contribute to, support, or participate in any political activity or in any manner attempt to influence legislation.

“(c) LOAN.—The corporation may not make a loan to a director, officer, or employee of the corporation.

“(d) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORITY.—The corporation may not claim congressional approval, or the authority of the United States, for any of its activities.

**§ 120107. Duty to maintain corporate and tax-exempt status**

“(a) CORPORATE STATUS.—The corporation shall maintain its status as a corporation incorporated under the laws of the State of New York.

“(b) TAX-EXEMPT STATUS.—The corporation shall maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).

**§ 120108. Records and inspection**

“(a) RECORDS.—The corporation shall keep—

“(1) correct and complete records of account;

“(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

“(3) at its principal office, a record of the names and addresses of its members entitled to vote on matters relating to the corporation.

“(b) INSPECTION.—A member entitled to vote on matters relating to the corporation, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

**§ 120109. Service of process**

“The corporation shall have a designated agent in the District of Columbia to receive service of process for the corporation. Notice to or service on the agent is notice to or service on the Corporation.

**§ 120110. Liability for acts of officers and agents**

“The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

**§ 120111. Annual report**

“The corporation shall submit an annual report to Congress on the activities of the corporation during the preceding fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101 of this title. The report may not be printed as a public document.”

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle II of title 36, United States Code, is amended by striking the item relating to chapter 1201 and inserting the following new item:

“1201. Korean War Veterans Association, Incorporated .....120101”.

Mr. WARNER. The amendment has been cleared.

I ask to be made a cosponsor as I am proud to have served in the Korean war in the Marines.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment.

The amendment (No. 3296) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

**AMENDMENT NO. 3316, AS MODIFIED**

Mr. LEVIN. Mr. President, on behalf of Senator HARKIN, I call up amendment No. 3316, which expresses a sense of the Senate that the Secretary of Defense should develop appropriate methods of oversight of the American forces radio and television service system to ensure presentation of all sides of important public questions, and on behalf of Senator HARKIN, I send a modification to the desk and ask unanimous consent the modification be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. HARKIN, proposes amendment numbered 3316, as modified.

The amendment is as follows:

(Purpose: Expressing the sense of the Senate on Armed Forces Radio and Television Service programming)

At the appropriate place add the following:

Whereas it is the mission of the American Forces Radio and Television Service to provide U.S. military commanders overseas and at sea with a broadcast media resource to effectively communicate DoD, Service-unique, theater, and local command information to personnel under their commands and to provide U.S. military members, DoD civilians, and their families stationed outside the Continental U.S. and at sea with the same type and quality of American radio and television news, information, sports, and entertainment that would be available to them if they were in the continental U.S.; and

Whereas key principles of American Forces Radio and Television Service broadcasting policy, as outlined in Department of Defense Regulation 5120.20R, are to ensure political programming characterized by fairness and balance and to provide a free flow of political programming from U.S. commercial and public networks without manipulation or censorship of any news content to the men and women of the Armed Forces and their dependents; and

Whereas the stated policy of the American Forces Radio and Television Service is to select programming that represents a cross-section of popular American radio and television offerings and to emulate stateside scheduling and programming seen and heard in the United States; and

Whereas it is the policy of American Forces Radio and Television Service to select news and public affairs programs for airing that provide balance and diversity from available nationally recognized program sources, including broadcast and cable networks, Headquarters, American Forces Radio and Television Service, the military depart-

ments, and other government or public service agencies. Therefore, be it

*Resolved*, That it is the sense of the Senate—

that the mission statement and policies of the American Forces Radio and Television Service appropriately state the goal of maintaining equal opportunity balance with respect to political programming and that the Secretary of Defense should therefore ensure that these policies are fully being implemented by developing appropriate methods of oversight to ensure presentation of all sides of important public questions with the fairness and balance envisioned by the Department of Defense throughout the American Forces Radio and Television Service system.

Mr. WARNER. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3316) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

**AMENDMENT NO. 3164, AS MODIFIED**

Mr. WARNER. On behalf of Senator GREGG, I call up amendment No. 3164 that expresses the sense of the Senate that the Internal Revenue Service should provide further guidance to clarify under the tax laws the rights and responsibility of employers who generously continue payments to employees who are mobilized Reserve or Guard members, and on behalf of Senator GREGG, I send a modification to the desk and ask it be agreed to.

The PRESIDING OFFICER. Without objection, the amendment is modified.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. GREGG, proposes an amendment numbered 3164, as modified.

The amendment is as follows:

(Purpose: To express the sense of the Senate on the coordination of rights under the Uniformed Services Employment and Reemployment Rights Act of 1994 with the Internal Revenue Code of 1986)

On page 280, after line 22, insert the following:

**SEC. 1068. COORDINATION OF USERRA WITH THE INTERNAL REVENUE CODE OF 1986.**

(a) FINDINGS.—Congress makes the following findings:

(1) Employers of reservists called up for active duty are required to treat them as if they are on a leave of absence or furlough under the Uniformed Services Employment and Reemployment Rights Act of 1994 (in this section referred to as “USERRA”).

(2) USERRA does not require employers to pay reservists who are on active duty, but many employers pay the reservists the difference between their military stipends and their regular salaries. Some employers provide this “differential pay” for up to 3 years.

(3) For employee convenience, many of these employers also allow deductions from the differential payments for contributions to employer-provided retirement savings plans.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Internal Revenue Service should, to the extent it is able within its authority, provide guidance consistent

with the goal of promoting and ensuring the validity of voluntary differential pay arrangements, benefits payments, and contributions to retirement savings plans related thereto.

Mr. GREGG. Mr. President, military action in Afghanistan and Iraq has brought to light yet another example of how outdated and burdensome government policies often punish generous employers in America. Apparently, when it comes to companies showing respect for employees who are called to active duty in the military, there is special meaning to the old cliché that "no good deed goes unpunished."

The National Committee for Employer Support for the Guard and Reserve, a nationwide association, reports that over 2,500 employers have signed a pledge of support and have gone above and beyond the requirements of the law in support of their National Guard and Reserve employees. This includes many of our Nation's largest and most reputable corporations, including 3M, McDonalds, Wal-Mart, Home Depot, Liberty Mutual and many others. These remarkable companies provide reservist employees who are on active duty with "differential pay" that makes up the difference between their military stipend and civilian salary.

National companies are not the only patriotic businesses providing special pay to our men and women who are called to serve overseas. Some of the most remarkable stories of corporate patriotism can be found in my state of New Hampshire.

BAE Systems of Nashua provides differential pay to their 25 called-up employees and continuing access to benefits to family members. The company even provides a stipend to make up the lost pay of active duty spouses of company employees when the spouse's employer is not able to provide differential pay. The corporate culture of support for the troops at BAE Systems is universal. Employees are encouraged to stay in touch with the families of fellow employees on active duty to help out where they can, and to avoid the Vietnam Syndrome of isolation. When you walk into BAE Systems headquarters, you cannot help but notice the flags of the branches of the United States armed services.

And then there is the story of Mr. Marian Noronha, Chairman and Founder of Turbocam, a manufacturer based in Dover, New Hampshire. An immigrant from India, Mr. Noronha has not only provided his employees with differential pay and continued family health benefits, but he has also extended to each of his activated employees a \$10,000 line of credit. His active duty reservist and Guard employees have used this money to, among other things, purchase personal computers so their families can communicate with them while they are overseas. Beyond this, Mr. Noronha actively encourages other employers to treat their reservist employees in a similar manner.

Several other New Hampshire private-sector companies, including

Hitchiner Manufacturing Company in Milford, also have exemplary records when it comes to dealing with their employees in the Reserves and National Guard.

Finally, New Hampshire's Governor Benson by Executive Order has also extended differential pay for up to 18 months to State employees who have been called to active duty.

Unfortunately, an arcane IRS interpretation of tax law actually penalizes these kinds of employers that voluntarily pay their National Guard and reservist employees the difference between their military stipends and their previous civilian salaries—which appropriately is called "differential pay." The law also penalizes employers that continue making contributions to retirement plans for such employees.

According to the IRS, members of the Guard and reserves called up for active duty are required to be treated as if they are on a leave of absence by their employers under the Uniformed Services Employment and Reemployment Rights Act of 1994, USERRA. Therefore, the act does not require employers to pay workers who are on active duty. However, many employers—out of a sense of civic duty—continue to pay active duty Guard members and reservists the difference between their military stipends and their regular salaries with some employers providing such "differential pay" for up to 3 years. In additions, many of these remarkable companies go even further and allow their active duty employees to continue making contributions to their 401(k) retirement plans via deductions from the "differential payments."

However, rather than applauding and encouraging such selfless behavior by companies in continuing to provide retirement benefits for Reservists, the IRS's 1969 Revenue Ruling requires that the active duty workers be treated as if they were "terminated." As a result, this law then puts at risk the retirement plan for an employer's entire workforce and could make all amounts in the plan immediately taxable to the plan's participants and the employer. Adding to the absurdity of the situation, preventing an employer from treating "differential pay" as wages under the law means employers are prohibited from withholding income taxes, which in turn causes their active duty former employees to face large and unexpected tax bills at the end of the year.

We should change this Vietnam War-era IRS interpretation of tax law that actually penalizes responsible, caring, patriotic employers like BAE Systems, Hitchiner Manufacturing, and many other companies who voluntarily provide differential pay. I have offered a bill to do just that, S. 2448, but the problem could be corrected more appropriately and quickly by the Internal Revenue Service by revising the outdated revenue ruling that effectively discourages employers from providing

additional pay to their employees who are reservists or Guard members called to active duty. The sense of the Senate amendment I am offering today urges the Internal Revenue Service to reconsider the ramifications of applying a Vietnam-era revenue ruling to the prevailing circumstances of the present day.

Specifically it expresses the sense of the Senate that the IRS should, "to the extent it is able within its authority, provide guidance consistent with the goal of promoting and ensuring the validity of voluntary differential pay arrangements, benefits payments, and contributions related thereto."

Employers should not be penalized for the generosity they provide to our nation's reservists and members of the Guard. This sense of the Senate urges the Internal Revenue Service to help employers avoid these problems.

Mr. President, I also ask unanimous consent a newsletter be printed in the RECORD from BAE Systems titled "Connections," published last month, that outlines the differential pay benefits that BAE provides their employees called up to active National Guard or Reserve duty.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BAE SYSTEMS SPOUSES GET SUPPORT WHILE  
LOVED ONES ARE MILES AWAY FROM HOME

Marine Corps Reserve Sgt. Hunter Philbrick returned to his civilian job as a Milford, N.H., police officer in January. His year-long military deployment in support of the War on Terrorism was made a little easier by BAE Systems' support for his family.

Sgt. Philbrick's wife Tina—a senior program control administrator on the F/A-22 program—says the Company helped to ease the difficulties of her husband's absence. Philbrick is one of four Information & Electronic Warfare Systems (IEWS) employees whose non-BAE Systems spouses have been called to active duty over the past few years. "It was really, really appreciated," says Philbrick.

"IEWS is committed to supporting its Reservists," said Jon Murphy, vice president of IEWS' Human Resources. "IEWS' policy goes well beyond the 1994 Uniformed Services Employment and Reemployment Rights Act (USERRA)."

IEWS' policy is so strong, a New Hampshire state legislator recently attempted to model state policy after IEWS' outreach towards its Reserve and Guard employees.

"IEWS' policy is seen as a real beacon of support for our Guard and Reserve employees and their families," said Dennis Viola of the State Veterans Council. "When we asked Ted Kerr of the New Hampshire Guard office about company policies to emulate, he didn't hesitate to mention BAE Systems and Public Service of New Hampshire."

IEWS employs 72 U.S. military Reservists or National Guardsmen and women. Nine of these employees, currently on active duty, support operations Nobel Eagle, Enduring Freedom, and Iraqi Freedom. Four other employees have non-BAE Systems spouses also called to active duty.

"Anything the Company does for members of the military and their families is really appreciated" Said Philbrick.

BAE Systems does all it can to support men and women in uniform and that includes employees who are "Citizen Soldiers" by

serving in the National Guard and Reserve. Not only do we support those directly serving in the Armed Forces, but we're also here to help the families of troops. Whether it's through a Charity Challenge bike drive where employees raise money and donate time to build bikes for distribution to local military families, or through a business unit stipend, we stand behind men and women who choose to serve our country. Support may vary somewhat between business units and locations, but the desire to do the right thing is always there."

Mr. LEVIN. The amendment has been cleared.

Mr. WARNER. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3164) was agreed to.

Mr. WARNER. I move to reconsider the vote, and I move to lay the motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 3295

Mr. WARNER. Mr. President, I call up an amendment on behalf of the Senator from Wyoming, Mr. ENZI, amendment No. 3295. My understanding is it has been cleared on both sides.

Mr. LEVIN. The amendment has been cleared on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3295) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 3307

Mr. LEVIN. Mr. President, I call up an amendment on behalf of Senator HARRY REID. I believe it is No. 3307.

Mr. WARNER. There is no objection on this side.

The PRESIDING OFFICER. The amendment is pending.

Mr. LEVIN. Mr. President, this amendment provides for parallel compensation for our POWs from the first gulf war. I think the language is at the desk.

Mr. REID. I appreciate very much the hard work of these two great Senators. I especially appreciate their recognizing the importance of this amendment. We had 17 American prisoners of war, and they were treated very brutally, with jaws broken, electricity applied to various parts of their body. A number of the 17 have permanent damages as a result of this brutal treatment.

They had a large judgment at one time. It was opposed by the Justice Department. Last week, that was knocked out.

I simply want, as the ranking member of the committee said, that these POWs who were so brutalized have equal treatment with the Iraqis who were brutalized in the prison in Iraq. This does not call for a specific sum of

money. It just says the Defense Department must come up with a plan for these 17 people before we agree to anything for the Iraqis who the Secretary of Defense has said should be compensated.

It is the fair thing to do. We have these 17 brave American patriots who feel put down by their Government for having had Saddam Hussein's money at one time taken away from them.

Mr. WARNER. Mr. President, I associate myself with the remarks of our distinguished Democratic leader. The amendment is carefully thought through. It should be given to these men and families.

I would like to be added as a cosponsor.

Mr. LEVIN. Mr. President, let me add my thanks to the Senator from Nevada for, as always, looking out for the interests of our troops, the men and women in the Armed Forces. Where it is necessary to make up for failures, he is the first to find ways to do that. It is a very important function of this Senate. I commend the Senator.

I ask to be added, also, as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment.

The amendment (No. 3307) was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, while I have the attention of the two managers of the bill, just so other Senators have an idea of what we on this side are planning on doing, I have consulted with the distinguished manager of the bill on our side. Senator CRAPO is going to try to offer an amendment sometime tomorrow. Once that is resolved one way or the other, the next Democratic amendment in order will be by the distinguished Senator from Illinois. So that is going to be our next amendment in order following the Crapo amendment. We are having a few little parliamentary problems with that right now, but we will work on that through the evening and tomorrow.

Mr. WARNER. Mr. President, reserving the right to object, and I do not think I will, I just want to clarify the situation. I would have to object now to any further amendments being laid down tonight.

Mr. REID. No. If my distinguished friend will yield, Mr. President, what I simply said is that it is my understanding the next Republican amendment in order is the Crapo amendment. We have an objection on our side at this time that that amendment be laid down.

Mr. WARNER. Right.

Mr. REID. We are going to try to resolve that. What I indicated is that following that amendment, we would likely go to Senator DURBIN, unless Senator CANTWELL wants to offer hers. But those are our next two amendments in order, and the next one will either be Cantwell or Durbin, whenever she decides she wants to offer hers. That is just an agreement so people know what we are trying to do on our side.

Mr. WARNER. Fine. I hope we are not asking for any unanimous consent to lock anything in. You are simply notifying the Senate. I would like to be cooperative to see that sequence of events transpires. So at this time there will not be a laying down of an amendment.

Mr. REID. That is right. Until we get the matter resolved with Senator CANTWELL and Senator HOLLINGS, we will not be able to go to the Crapo amendment. We are going to work on that. But after that, we have a number of amendments on our side that we want to offer, and I have indicated to the Chair what we plan to do.

Mr. WARNER. So we have had a colloquy in which we have indicated this is the manner in which we hope to proceed. We will have the Kennedy amendment first. Once that is concluded—presumably there will be a rollcall vote—then we will proceed to the next amendment. It is a Republican that is in the queue. It is likely to be Mr. CRAPO. At that time, I hope this matter will be resolved so there can be this sequence of events.

Mr. REID. One reason I want to do this, I say through the Chair to the distinguished managers, is that Senator DURBIN is a very patient man. He has actually three amendments. He is only going to offer one at this time. He always is willing to wait until someone else does something else, and in this instance we believe he should be one of those first Democratic amendments offered because he has been ready to go for some time.

Mr. WARNER. Mr. President, that choice is entirely on your side. If that is your wish, I think, in all likelihood, it will take place.

Mr. DURBIN. Will the Senator yield? Mr. WARNER. Yes.

Mr. DURBIN. Mr. President, I am not sure who has the floor at this moment.

Mr. WARNER. At this point in time the Chair is perfectly in order to recognize the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Thank you, Mr. President. I thank the chairman of the committee, Senator WARNER, and his ranking member, Senator LEVIN, for their endurance and patience.

This is an extremely important bill with many important issues. I say to the Senators, you have served the Senate well, both of you, in the manner you have handled this bill. Many of us with amendments that we consider of importance have stepped back, some

because of events, such as the departure and the demise of President Reagan, and others because of other issues.

It is my understanding that there will not be a unanimous consent request tonight in terms of the order of business. I am not going to make one. I thank Senator REID for acknowledging that I do have several amendments pending. I am anxious to call up the amendments. I will agree to time limits on debate so this will not go on for a lengthy period. I would just like to bring the matters to the floor for resolution.

Mr. WARNER. Mr. President, does the Senator from Illinois have the number of the amendment he is likely to propose in the event the sequence of events as outlined by the three Senators here, momentarily, evolves?

Mr. DURBIN. I thank the Senator from Virginia. I spoke to him earlier about an amendment relative to the policy on torture. That is amendment No. 3386. But I would like to defer that until the Senator from Virginia has had a chance to review it, in the hopes he will be supportive.

Another amendment is No. 3196, reservist pay. This is an amendment which passed the Senate with a 96-to-3 vote last year, which I am hoping we can make a part of this bill. Finally, I have an amendment relative to the sale of dietary supplements on base exchanges, amendment No. 3225. Those are the three amendments I have pending.

Mr. WARNER. I say to the Senator, thank you.

Now, Mr. President, I think that concludes the matters with regard to this bill for tonight. I believe we can now proceed to wrap-up session.

#### MORNING BUSINESS

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRIBUTE TO FORMER PRESIDENT RONALD REAGAN

Mr. LUGAR. Mr. President, I pay special tribute to Nancy Reagan who has been indispensable throughout the public life of the Reagans, and particularly during this past decade. It was my privilege to sit beside Mrs. Reagan during several White House and Republican Party events and to understand her strength and shared dream for America.

The service of President Reagan to our country can only be approached by understanding how wide he cast the net of potential achievement, and fulfillment of dreams, hopes and visions.

President Reagan actually believed and articulated that our country had a special destiny, that no barriers were

insurmountable because we are Americans. He actually believed and said that the Soviet Union was an evil empire, that its political and economic institutions were disintegrating, and that if its leadership and people knew the alternatives which our country presented, they would choose democracy and market economics.

President Reagan was prepared to invest an increasing portion of our national treasure in military defense with the certainty that we would negotiate successfully with our adversaries from a position of strength. He shocked foreign policy and defense specialists by proposing that all intermediate nuclear missiles be destroyed, a negotiating position labeled universally as a bizarre arms-control non-starter.

He affirmed the staying power of NATO by deploying Pershing missiles to Germany and cruise missiles to Italy even after the Soviets declared that such deployment would end all arms control negotiations and stimulate Soviet nuclear buildup.

Add to this, President Reagan's startling proposal that the United States should develop a Strategic Defense Initiative to protect our country against incoming missiles fired upon us. He contended that we should and could try to defend ourselves against the so-called balance of terror.

He proposed to President Gorbachev that the United States and the Soviet Union ban all nuclear weapons. In fact, he was confident that if he could take Gorbachev on an extended tour of America that Gorbachev would want to shape the Soviet Union into many of our successful traditions.

Meanwhile, President Reagan knew that substantial new growth must occur in our domestic economy to pay for the special leadership role he had envisioned in foreign policy. He was confident that substantial cuts in individual marginal tax rates and a host of investment incentives would establish and sustain the longest peacetime prosperity we had ever enjoyed. Our prosperity underwrote the magnificent gains in free and fair trade which he championed and world wide wealth grew abundantly.

When Ronald Reagan stood on a balcony of the Reichstag in Berlin and challenged Gorbachev to tear down the Berlin Wall, he could see white crosses just below where courageous persons seeking freedom had lost their lives in that pursuit. Everything still appeared to be so locked up and grim, and sophisticated observers were barely patronizing in comment on his Berlin wall challenge.

The "evil empire" crumbled, the Berlin wall and other walls fell, all of the Intermediate Nuclear Force weapons were destroyed exactly in three years as the INF Treaty provided, and the United States became the only superpower with the strongest economy and the ability, uniquely, to extend military authority around the world.

All of this occurred because President Reagan persuaded the Congress

and his countrymen to build our armed forces, to build our economy through the growth incentives termed "Reaganomics," to maintain the successful strategies of our NATO alliance, to utilize military force to support foreign policy as required, and to commence Strategic Defense Initiative research.

We now know that the Soviets were much weaker than experts estimated. We now know that they could not keep up the pace and that desperate attempts to do so led to the collapse of the Soviet Empire and then to the collapse of the Union, itself.

President Reagan advocated two more things which were inspiring and critically important in world history.

First, he rejected the Brezhnev Doctrine, the idea that territory which socialism had occupied could never be reclaimed. When he advocated this roll back of the iron curtain, he created deep anxiety and alarm among most international foreign policy advisers who loved liberty a lot, but loved stability even more.

U.S. Stinger missiles shipped to the expert ministrations of the Mujahidin in Afghanistan were a major instrument of the Soviet roll back, and the world watched in awe as the Soviet troops withdrew to a smaller Socialist world.

Second, President Reagan enunciated a new policy in a statement sent to the Congress after the Philippine election and revolution. He stated that henceforth, we would oppose tyranny of the left and tyranny of the right, that we were for democracy developed by people who sought to know and enjoy democracy and human rights. This statement was severely criticized by experts who suggested that in the "real world" a good number of dictators were friendly to the U.S. and certainly useful in waging the cold war against Communism.

In articulating his vision on the roll back of the Iron Curtain; in identifying with nations all over the world who applauded our passion for building democratic institutions; in celebrating human rights and free market principles; in all of these areas, Ronald Reagan was far ahead of the prevailing wisdom. Yet he ultimately brought other leaders in America and around the world to his point of view in a relatively short interval.

President Reagan was courageous and on the right side of history. He performed these deeds in a very public way which instructed and inspired others. Those of us in public service learned much from President Reagan as we watched him speak and act. He was charismatic, he was determined and consistent, and he enjoyed a remarkable batting average of being right.

Mr. GRASSLEY. Mr. President, at sunset last Friday, the 40th President of the United States was laid to rest on a hill overlooking the Pacific Ocean. The consummate optimist, who etched the promise of a "shining city upon a



hill" into the Nation's conscience, leaves behind a legacy that beckons us to stay true to the American spirit.

Whether folks agree with his political philosophy or not, the actor-turned-politician-turned-statesman from the Midwest helped usher in the dawn of a new day for millions of jobless Americans and to those living in oppression behind the Iron Curtain.

Through bold, buoyant leadership, Ronald Wilson Reagan, 1911-2004, persuaded his fellow citizens that it was "morning again in America" by restoring the promise of peace and prosperity.

The outpouring of support during last week's remembrance for the former President reflects Reagan's ability to bring out the best in people and unite America.

The pageantry evoked patriotism. The solemnity of the events underscored the public's appreciation and respect for this leader who championed the cause of freedom all around the world. For 8 years, he served as a beacon of hope for those cast under the dark shadows of totalitarianism.

The "Great Communicator" arrived in the Oval Office when America was licking wounds left by Watergate and Vietnam. Stifled by a sinking economy, joblessness and sky-high inflation, the national mood also wavered under the uncertainty of the Cold War. Americans yearned for brighter days.

Elected to his first term in November 1980, President Reagan exuded optimism, charm and kinship with ordinary Americans. His good-natured disposition, self-deprecating humor and can-do attitude launched a new era in American politics. Like Reagan, I won an upset victory over an incumbent in that election.

He and I shared a conservative political philosophy rooted in core beliefs spelled out by the Nation's Founders and agreed much more often than not. Now 24 years after the "Reagan Revolution," I am privileged to continue advancing our shared principles: Big ideas instead of big government. Deregulation to foster free enterprise. Tax relief that encourages productivity, growth and individual ingenuity. Self-reliance rather than self-pity.

Reagan's policies proved that economic and political freedom bring about peace and prosperity. As Reagan said in his 1989 farewell address to the Nation: "Democracy, the profoundly good, is also the profoundly productive."

Many people grossly underestimated the strength of Reagan's convictions and the foot soldiers who helped sweep him into office. With a steely determination coupled with folksy charm, Reagan masterminded the efforts that liberated Eastern Europe in 1989.

Eight years earlier, he had predicted the end of Communism as the "sad, bizarre chapter in human history whose last pages are even now being written." Reagan's leadership helped change the course of history for the better.

On June 5, 2004, Reagan lost his 10-year battle with the Alzheimer's disease. A decade earlier, in a handwritten note to the American people, Reagan again looked on the bright side: "When the Lord calls me home, whenever that day may be, I will leave with the greatest love for this country of ours and eternal optimism for its future."

President Reagan valued the gift of life. He used his to expand human freedom. His legacy shapes America's character and lights our way as we continue the "march to freedom" against evil in the world.

Mr. SANTORUM. Mr. President, I rise today in great sadness, to speak on the passing of President Ronald Wilson Reagan. It is a sad time for our Nation; a monumental figure in the history of the United States has gone to his rest. The response to his passing in our Nation's capital and across this country has been overwhelming and a fitting tribute to this giant of 20th century politics.

First, I would like to offer my heartfelt condolences to Nancy and the Reagan family in this difficult time. Mrs. Reagan was not only an incredible role model for faithfulness to her spouse, but was always the rock that he leaned on when the entire world leaned on him.

In speeches on this floor, we have heard much about President Reagan's vision and leadership on foreign and economic policy, which indeed continue to bear fruit. Yet, I come to the floor to speak about an aspect of the Reagan Presidency that is less commented upon: President Reagan's legacy on social policy, which stands still as a moral compass for our Nation's future.

As has been remarked, President Reagan was a fabulous optimist. He worked to create a society where good and evil, life and death, are recognized for what they are, and are not obscured by the gray tones of moral relativism. After years of lingering malaise following Vietnam and Watergate, Ronald Reagan came forward and proclaimed that America was "in the midst of a spiritual awakening and a moral renewal." That was a message of hope that America sorely needed to hear.

He believed that America's strength came not just from military might, but also from its moral superiority. As much of a priority as he made foreign and military policy, he strived just as hard to ensure that our Nation's roots as a people of faith, who value life and each other, was not diminished. It was that social foundation that made us different from the godless Soviet state that oppressed the Russian people.

President Reagan spoke forcefully and brilliantly about the importance of family, the religious foundations of American democracy, and the tragedy of *Roe v. Wade*. He knew that strong families were a key to America's continued success as the land of opportunity. This conviction is clear in a

proclamation he issued one Father's Day, where he asserted:

There is no institution more vital to our Nation's survival than the American family. Here the seeds of personal character are planted, the roots of public virtue first nourished. Through love and instruction, discipline, guidance and example, we learn from our mothers and fathers the values that will shape our private lives and our public citizenship.

His political beliefs were greatly shaped by the sensible religion he grew up with in small-town Illinois, which permeated all aspects of daily life. He found the attempts of some to excise religion from the public square wrong-headed. He knew that Founding Fathers barred not only the government establishment of religion, but also any law "prohibiting the free exercise thereof."

As President Reagan told those gathered at the Ecumenical Prayer Breakfast during the Republican National Convention in Dallas, TX:

Without God, there is no virtue, because there's no prompting of the conscience. Without God, we're mired in the material, that flat world that tells us only what the senses perceive. Without God, there is a coarsening of the society. And without God, democracy will not and cannot long endure. If we ever forget that we're one nation under God, then we will be a nation gone under.

I began this speech by stating I would focus of President Reagan's moral and social legacy rather than on the tremendous impact he had in bringing down the Iron Curtain and freeing Eastern Europe. But in truth, these different areas of policy all flowed from the same wellspring of faith and conscience.

In a particularly moving speech before the National Religious Broadcasters Convention in 1984, President Reagan tied together these seemingly separate strands. He told listeners:

Our mission stretches far beyond our borders: God's family knows no borders. In your life, you face daily trials, but millions of believers in other lands face far worse. They are mocked and persecuted for the crime of loving God. To every religious dissident trapped in that cold, cruel existence, we send our love and support. Our message? You are not alone; you are not forgotten; do not lose your faith and hope because someday you, too, will be free.

Mr. President, I ask unanimous consent that a larger excerpt of this speech be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 1.)

Mr. SANTORUM. Ronald Reagan was a champion of the pro-life movement and believed that abortion was a grave threat to the liberties we cherish as Americans. When President Reagan came to office, the shock of *Roe v. Wade* was still fresh. It was commonly believed that the Supreme Court had had the final say on abortion, and that there was no hope in turning back the tide of the abortion-on-demand culture. The conventional wisdom was that enacting legislation to regulate abortion was politically impossible.

But President Reagan chose to use the one tool that the Senate could not stall and the House could not block: his voice. His voice was strong and reassuring, and it reached the American people in their living rooms, bypassing those in Washington who thought they knew much better. Even his own advisors urged him not to speak out on abortion, yet he would not be silenced. He always spoke his conscience on the matters that weighed heavily on his heart, and no one could convince him to do otherwise.

On the tenth anniversary of *Roe v. Wade*, President Reagan spoke from the heart against the abortion-on-demand culture, to poignant effect. That day, he said:

I too have always believed that God's greatest gift is human life, and that we have a duty to protect the life of an unborn child. Until someone can prove the unborn child is not a life, shouldn't we give it the benefit of the doubt, and assume it is?

Perhaps the only President to publish a book while in the Oval Office, President Reagan's 1984 volume, entitled *Abortion and the Conscience of the Nation*, stood as a thoughtful and moving essay that inspired the growing pro-life movement. This message of this book was hopeful. "As a nation today, we have not rejected the sanctity of human life," he writes. "I am convinced that Americans do not want to play God with the value of human life."

Given his remarkable legacy on foreign and economic policy, I am not surprised that his moral agenda is less commented upon. Yet in his March 8, 1983 "evil empire" speech, President Reagan devoted as much time talking about the sanctity of all human life as he did addressing foreign policy. On abortion, he told the audience:

Human life legislation ending this tragedy will someday pass the Congress, and you and I must never rest until it does.

Sadly, President Reagan has gone to his rest without being able to see that glorious day when we again recognize the full and equal value of all human lives. But those of us who proudly follow in his footsteps will tirelessly continue the struggle until we correct this grievous wrong.

President Reagan, that day, I know you will be smiling down on us from above.

#### EXHIBIT 1

"AMERICA IS HUNGRY FOR A SPIRITUAL  
REVIVAL . . ."

(BY RONALD REAGAN)

An excerpt from President Reagan's address January 30, 1984, at the National Religious Broadcasters Convention in Washington D.C.

I was pleased last year to proclaim 1983 The Year of the Bible. But, you know, a group called the A.C.L.U. severely criticized me for doing that. Well, I wear their indictment like a badge of honor. I believe I stand in pretty good company. Abraham Lincoln called the Bible, "The best gift God has given to man. But for it," he said, "we could not know right from wrong."

Like that image of George Washington kneeling in prayer in snow at Valley Forge,

Lincoln described a people who knew it was not enough to depend on their own courage and goodness. They must also look to God their Father and Preserver. And their faith to walk with Him, and trust in His Word, brought them the blessings of comfort, power, and peace that they sought.

The torch of their faith has been passed from generation to generation. "The grass withereth, the flower fadeth, but the word of our God shall stand forever." More and more Americans believe that loving God in their hearts is the ultimate value. My experience in this office I hold has only deepened a belief I've held for many years: within the cover of that single Book are all the answers to all the problems that face us today—if we'd only read and believe.

Let's begin at the beginning. God is the center of our lives: the human family stands at the center of society; and our greatest hope for the future is in the faces of our children. God's most blessed gift to His family is the gift of life. He sent us the Prince of Peace as a babe in a manger. I've said that we must be cautious in claiming God is on our side. I think the real question we must answer is, are we on His side?

Our mission stretches far beyond our borders: God's family knows no borders. In your life, you face daily trials, but millions of believers in other lands face far worse. They are mocked and persecuted for the crime of loving God. To every religious dissident trapped in that cold, cruel existence, we send our love and support. Our message? You are not alone; you are not forgotten; do not lose your faith and hope because someday you, too, will be free.

If the Lord is our light, our strength and our salvation, whom shall we fear? Of whom shall we be afraid? No matter where we live, we have a promise from Jesus that can soothe our sorrows, heal our hearts and drive away our fears. He promised there will never be a dark night that does not end. Our weeping may endure for a night, but joy cometh in the morning. He promised if our hearts are true, His love will be as sure as sunlight. And, by dying for us, Jesus showed how far our love should be ready to go: all the way.

"For God so loved the world that He gave His only begotten Son, that whosoever believeth in Him should not perish but have everlasting life . . ." Helping each other, believing in Him, we need never be afraid. We will be part of something far more powerful, enduring and good than all the forces here on earth. We will be part of a paradise.

May God keep you always and may you always keep God.

#### RONALD REAGAN

Mr. ENSIGN. Mr. President, I rise today to honor and remember the greatest President of the 20th century, Ronald Wilson Reagan.

Ronald Reagan is widely known for taking some of the most courageous stands on behalf of our Nation and for truly changing the course of the world, but Ronald Reagan may have never known the impact that he had on so many individuals, including me.

I was in college when Ronald Reagan swept through our country in 1980—on a mission to empower Americans by reducing taxes, shrinking the Federal bureaucracy, and instilling a sense of hope for the future. Until that point, I had always considered myself a Democrat. Ronald Reagan's straight talk and emphasis on common sense and individual empowerment changed the

way I looked at politics. As Ronald Reagan used to say—and he would know—I became "a former Democrat who saw the light." He opened my eyes to a philosophy that I truly felt could change the direction of our country.

I was not alone. President Reagan's popularity while in the Oval Office for two terms showed that Americans—Republicans, Democrats, and independents—were inspired by him the way I was. More impressively, tens of thousands of Americans are mourning his death and reflecting on how he touched and changed their lives. The endless line of mourners, waiting for hours to walk past his coffin and pay final respects, is unparalleled. The most heartwarming for me is to see parents with their children, teaching them about the legacy of this great President and hopefully instilling a dose of Reagan optimism in the next generation.

There are many lessons to teach our children about Ronald Reagan. I know I will teach them to my own children.

Respect for others: Many of the stories that are being shared by those who knew Ronald Reagan revolve around his respect for all people. Whether it was someone who washed dishes in the White House or the leader of another Nation, Ronald Reagan treated each with the same amount of dignity and respect—and loving humor.

Commitment to principles: Ronald Reagan never shied away from his principles. His steadfast commitment led to monumental changes in the world landscape—making it a better place for all of us. On Memorial Day 1986, President Reagan said at Arlington National Cemetery:

If we really care about peace, we must stay strong. If we really care about peace, we must, through our strength, demonstrate our unwillingness to accept an ending of the peace. We must be strong enough to create peace where it does not exist and strong enough to protect it where it does. That's the lesson of this century. . . .

And that is a lesson from our 40th President.

Mutual love and admiration: I would be remiss if I did not note the relationship that Ronald and Nancy Reagan shared. Reading some of their old love letters, watching them together during his presidency, and seeing her devotion over these most trying last 10 years, one cannot help but be touched by the feelings that emanated from their marriage. Nancy Reagan was every bit Ronald Reagan's partner in the White House, and his legacy is theirs. Today Nancy Reagan grieves—she has lost her soul mate. And we grieve for her loss.

Optimism and hope for tomorrow: If nothing else, I hope that Americans today are inspired by Ronald Reagan's eternal optimism. He believed in this country and its people with every fiber of his being. He once told a gathering of youth in 1985 that:

True wealth, and the real hope for the future comes from the heart—from the treasure of ideas and spirit, from free people with a vision of the future, trust in their fellow men, and faith in God. The better future that

we all yearn for will not be built by skeptics who spend their lives admiring the complexity of the problems. It'll be built by free men and women who believe in themselves.

I know Ronald Reagan is in a better place today, and, from his view, he is rooting for us and believing in our future.

Leaders like Ronald Reagan change the course of history with their vision and inspire a new generation. I serve Nevada in the United States Senate because I, too, was inspired by Ronald Reagan. Today, I thank him from the bottom of my heart for his service to this nation, for his unwavering leadership, and for his spirit that will always represent our greatness and remind us that we can achieve anything.

President Reagan, may God bless you and watch over you. And may God continue to bless America.

#### FLAG DAY AND THE BIRTHDAY OF THE ARMY

Mr. DASCHLE. Mr. President, our Nation celebrates two birthdays today.

On June 14, 1775, the Continental Congress agreed to forge, from several different State militias, one single Army to fight America's War of Independence.

Congress called for 10 companies of expert rifleman to be raised from among the colonies of Pennsylvania, Maryland, and Virginia and ordered them to march to Boston to meet the British Army.

Two years later, Congress established a flag for the young Army to fight under.

With the war still raging, and the future of the Revolution very much in doubt, the Continental Congress decreed it "Resolved, That the Flag of the 13 United States be thirteen stripes, alternate red and white; That the union be thirteen stars, white in a blue field, representing a new constellation."

In a way, the entire history of our Nation is contained within these events. From diverse parts, America set forth to create a single nation, founded on common values and a shared vision for its future.

Struggling against the preeminent military power of its age, our Founding Fathers looked upon the different rebellions waged by State militia, independent of one another, taking place throughout the colonies, and determined that if the 13 colonies were to share a single fate, it would be best if we chose to meet it together.

The design of the new American flag reflected that wisdom and symbolizes the union of disparate parts. While the 13 stripes and the 13 stars represented the different colonies, the colors signified the common values that bound us together as a nation. Red for valor. White for liberty. Blue for justice.

Today, Old Glory is America's most treasured national symbol. It captures the imagination of both young and old because, in a way, each American is represented.

Each of us can see among the stars in the deep blue field one star that represents our State, our neighborhood, ourselves. And in the 13 stripes representing the colonies that banded together, each of us can also feel the connection to our history.

In this way, the flag is alive. Each American adds to its meaning and significance through the work we do to build our Nation.

Few expressed this better than Franklin Lane, Woodrow Wilson's Secretary for the Interior. Speaking to a group of civil servants in 1914, Secretary Lane imagined a conversation with, as he called it, "Mr. Flag."

"Yesterday," the Flag tells Lane, "the President spoke a word that made happier the future of ten million . . . but that act looms no larger on the Flag than the struggle which the boy in Georgia is making to win the Corn Club prize this summer. . . ."

"Yesterday the Congress spoke a word which will open the door of Alaska; but a mother in Michigan worked from sunrise until far into the night, to give her boy an education. She, too, is making the Flag."

"Yesterday we made a new law to prevent financial panics, and yesterday, maybe a schoolteacher in Ohio taught his first letters to a boy who will one day write a song that will give cheer to the millions. . . . We are all making the Flag. I am your belief in yourself, your dream of what a people may become . . . I am no more than what you believe me to be and I am all that you believe I can be. . . . I am what you make me; nothing more."

Looking back at 227 years under Old Glory, the American people can be proud of what we have made the flag. Throughout the world it is recognized as a symbol of freedom and valor.

And, there can be no doubt, few American institutions have done more to make this true than the United States Army, the oldest institution in the world dedicated to defending a democracy.

In its 229 years, the Army has engaged in more than 175 different campaigns to defend our Nation, and to defend freedom throughout the world.

As we celebrate the Army and the incalculable contributions it has made to the life of our Nation, and the world, members of the Army are once again far from their families, fighting shoulder to shoulder, to extend freedom's reach throughout the world.

Each day, we see new examples of the courage, loyalty, and fortitude that have been hallmarks of the Army since its birth more than two centuries ago.

The stories of the heroism of Army troops rescuing our Nation from a pivotal moment are too numerous to count. But I would like to relate one of my favorites from the War of 1812.

For the first 2 years of that war, the American forces had been beaten badly by the British. The English generals had become openly contemptuous of the American forces, which they con-

sidered little more than a ragtag band of untrained and unprofessional conscripts.

As the British met the American Army on the banks of the Chippewa River, the British general looked out over the American Army and mocked them as little more than a militia—the same forces they had been routing for the past 2 years.

The British opened fire, expecting the Americans to scatter. But the Army marched directly through the British fire.

Seeing a bravery and professionalism he had never encountered, the British general cried out, "Those are regulars, by God."

Soon, the Army troops had encircled the British forces, catching them in crossfire. The Battle of Chippewa was soon won, and it brought about a turning point in the War of 1812, and the history of our young Nation.

Countless times, the United States Army has stunned an enemy commander by its discipline, its skill, and its bravery. But while America continues to be awed by the achievements of the U.S. Army, we are no longer surprised.

Whether on the banks of the Chippewa, the fields of Gettysburg, the banks of Normandy, or the streets of Baghdad, the U.S. Army continues to represent the best hopes and the best achievement of a single nation, united in common defense of its shared values and dreams.

They have brought honor and freedom to our Nation for 229 years. And while it is historical coincidence that the Army birthday and Flag Day fall together on June 14 each year, it is altogether fitting that they do so.

The same values the Flag represents, the Army exemplifies and defends. When we look upon the flag, we see the heroism with which our military has defended it, and we are proud.

All this is represented in the American flag. And when Americans pledge allegiance to the flag, it is this history, these values, these ideals, to which we promise loyalty.

Knowing the power of the Pledge to unite Americans, I was encouraged to learn that the Supreme Court has rejected the recent challenge to the constitutionality of the Pledge.

I have long believed in the constitutionality of the Pledge of Allegiance, and though the Supreme Court Decision was made on procedural grounds, it represents a positive step forward in our efforts to affirm its central place in the life of our Nation.

In a simple way, the Pledge gives us the chance to reaffirm the history and values that bind us together—the history and values represented by our flag.

When I think of the importance of the flag to our country, I am reminded of the days after September 11, 2001.

One week after the attacks, I recall walking into the Hart Senate Office Building to see American flags hanging

from each window, on each of the eight floors of the building.

Like the individual stars standing united together, the Senate offices were spontaneously united in a pure and impromptu display of patriotism and loyalty.

If anyone ever had doubts about our Nation's resolve to persevere in the face of terrorism, they would be put to rest at that moment.

As Franklin Lane said, each of us makes the Flag.

As we work to build our Nation and extend its ideals throughout the world, we are extending the constellation of stars our Founding Fathers saw in the 13 colonies. And today, the light of this constellation extends throughout the world.

This is what we celebrate on both Flag Day and the Army's birthday.

Each in its way reminds us of the continuing work of our Nation, to create a more perfect union, united under one flag, defended by one force, and inspired by a shared vision of a future, as the Pledge states, "with liberty and justice for all."

#### AULD-BROKAW TRAIL DAY

Mr. DASCHLE. Mr. President, today I recognize the Auld-Brokaw Trail Day that is scheduled for June 19, 2004, in Yankton, SD. This day-long initiative is the culmination of years of hard work from numerous Yankton leaders, including the Yankton Rotary Club, the Auld-Brokaw Trail Committee, the City of Yankton and the Yankton Parks and Recreation Department.

This day also represents the completion of Tom Brokaw and Meredith Auld Brokaw's vision to further enhance the community where they first met nearly a half century ago.

Several years ago, Yankton leaders designed the concept for an expansive walking trail as part of a flood mitigation project. Yankton raised \$1 million for the Auld-Brokaw Trail, relying upon investments from residents—past and present. With a generous donation from the Brokaws, the dream soon became a reality. The city began construction in 2001.

As the trail began to take shape, an Outdoor Classroom to further capitalize on the educational opportunities that it presented. The partnership that developed between the Brokaws, the Yankton Rotary Club and the Rotary Foundation is the way that most things get accomplished in my State—good people working together toward a shared vision.

The Outdoor Campus along the Auld-Brokaw Trail will feature flowers and grasses native to the South Dakota prairie. The nearly 3 acres of natural lands will be a great resource to showcase the area's beauty. The Yankton Chamber of Commerce has already found the Auld-Brokaw Trail to be a strong regional recreational attraction.

As we know all too well, Americans are spending less active time outdoors.

This trend is having a negative impact on our country's collective health, and I was pleased to learn that the Avera Sacred Heart Hospital in Yankton will sponsor health and walking programs along the Auld-Brokaw Trail in conjunction with the upcoming events. A Pilates demonstration, nutrition forum and community walk will teach area residents about the important contribution that the Auld-Brokaw Trail can make to the community's health.

The Auld-Brokaw Trail is an outstanding enhancement of Yankton's beauty, and the Outdoor Classroom addition will strengthen the trail's attractiveness. I am pleased that Yankton residents will soon come together to celebrate the completion of this outstanding project, and I am proud to recognize this outstanding effort.

Tom and Meredith Brokaw's friendship began in high school. He went to Boys State, allowing him to have lunch with South Dakota Governor Joe Foss, a World War Congressional Medal of Honor winner. She went to Girls Nation, where she met President Eisenhower in the Rose Garden of the White House. They were class leaders; Tom's broadcast career began on KYNT Radio. Though they are far away geographically, their emotional bond remains strong.

"The world in which I work and live is a long way from home," Brokaw wrote in his 2002 book, "but the early bearings I took as a child on the prairie, surrounded by working people and the communities they established, often in difficult circumstances, have been a steady and reassuring presence. They are familiar markers and sentinels, useful and reliable even now, forty years after I left the land and the people that launched me."

Yankton continues to be blessed by the generous way that Tom and Meredith Brokaw have chosen to give back to the community that provided so much to them. The Auld-Brokaw Trail and the Outdoor Classroom are two of the latest examples.

#### CONGRATULATING SHANKARI RAJAGOPAL

Mr. REID. Mr. President, I congratulate Shankari Rajagopal on her outstanding performance at the 77th annual Scripps National Spelling Bee.

Nevada's lone speller at the national competition, Shankari outlasted 219 of 265 contestants to earn a spot among the top 46 competitors. An eighth grader at Churchill County High School, Shankari won the Nevada State Spelling Bee in March to earn the right to participate in the national competition. She had finished 12th and 6th in the State contest the previous 2 years.

Administered by The E.W. Scripps Company in conjunction with more than 250 sponsors around the world, the Scripps National Spelling Bee is the Nation's largest and longest-running educational promotion. Each sponsor

organizes a spelling bee program in its community, with the local champions advancing to the finals in Washington, DC. This tremendous program helps thousands of students every year improve their spelling and expand their vocabularies through a fun competition.

I was able to visit with Shankari an hour before her last day of competition. She was relaxed and satisfied with her tremendous accomplishment, as well she should be. I was very impressed with her parents who came to Washington, DC, to support her. They too were proud of what she had accomplished, and this helped to put her at ease.

I have seen too many parents, in athletics and other student activities, put such tremendous pressure on their children that it takes away from the pleasure of the student's involvement. But not so with Shankari's parents. I congratulate Jeeks and Karpagam, her mother and father, for doing such a great job of raising their daughter.

The Fallon community and the State of Nevada can take great pride in Shankari's performance in the State and national competitions. It reflects her strong commitment to her education and her tremendous potential. Please join me in congratulating this talented young Nevadan on her impressive achievement.

#### CONGRATULATING ALVIN McLANE

Mr. REID. Mr. President, I congratulate Mr. Alvin McLane, a Nevada Bureau of Land Management, BLM, volunteer, on his selection for the "Making A Difference" award. This award recognizes Alvin's strong commitment to preserving the natural and cultural heritage of our public lands.

Mr. McLane is one of seven individuals who received this prestigious national award this year. As a volunteer for the Nevada BLM's Carson City field office, he recorded more than 120 discrete cultural sites primarily in the Dry Lake area of northwestern Nevada. Mr. McLane also instituted a full-scale monitoring program for the area.

Thousands of volunteers throughout the country contribute to the preservation of the 261 million acres of public lands managed by the BLM. Volunteers donated approximately 1.5 million hours last year alone, tantamount to the work of 866 full-time employees with an estimated value of \$25 million. Launched in 1996 as a part of the "Take Pride in America" initiative, the "Making A Difference" program has recognized 87 individuals or groups for their exemplary service.

Mr. McLane has demonstrated a commendable commitment to public service. Please join me in thanking him for his tremendous efforts.

#### HONORING ROGER PELTYN

Mr. REID. Mr. President, I extend my condolences to the family of Roger

Peltyn, who passed away in Las Vegas on June 3.

Roger left behind his loving wife Sandy, with whom he shared his life for 33 years, and two sons, R.J. and Michael. His passing leaves an empty place in the lives of those who knew and loved him. It also leaves a void in our community.

Roger was a structural engineer, and he was instrumental in building many glamorous structures that are synonymous with Las Vegas—landmarks like the Mirage, Bellagio, Mandalay Bay, Luxor, and Excalibur. He also helped to build many schools, stores, office properties, and much more.

But Roger did not just build structures. He also helped to build a stronger community in southern Nevada. The projects and causes that he adopted are almost too numerous to name: the UNLV President's Council, the Nevada Development Authority, the Clark County Public Education Foundation, the Desert Research Institute, Opportunity Village, and many other charities.

For the past decade, Roger served as president of an organization called Nevada Arts Advocates, which is dedicated to improving the cultural climate in Nevada and promoting the arts. His love of the arts enriched our whole State.

With Sandy by his side, Roger raised millions of dollars for worthy causes. Every Nevadan owes both of them a debt of gratitude.

Roger was born in Brooklyn, and he came to Las Vegas as so many folks do, by way of California. He moved to Las Vegas when Steve Wynn asked for his help during the expansion of the famous Golden Nugget resort. And just a month ago, Roger was still giving Steve Wynn advice about the new resort he is building.

Roger and his partner Jack Martin started a 5 man engineering firm that now employs more than 60 people. That is a testament to the amazing growth of Las Vegas, which would not have been possible without Roger Peltyn.

Nevada will miss Roger Peltyn. He left us too soon. But his legacy will live on in the magnificent buildings he helped to construct, and the community he helped to create. Nevada is a better place because of him.

#### HONORING OUR ARMED FORCES

LANCE CORPORAL JEREMY BOHLMAN

Mr. JOHNSON. Mr. President, I am saddened to report the passing of Lance Corporal Jeremy Bohlman of Sioux Falls, SD. He was killed on June 7, 2004, while serving in Operation Iraqi Freedom.

Jeremy was assigned to the 1st Light Armored Reconnaissance Battalion out of Camp Pendleton, CA. He first went to Iraq in January 2003, before the invasion, and returned to the United States in June 2003. He was completing his second tour of duty in Iraq when he was killed by an explosion while con-

ducting combat operations in Al Anbar Province, Iraq.

Jeremy, who was married 2 weeks before being deployed, is described by friends and family as a hard worker with lots of friends who found his niche in the Marines. He served with great distinction and received the Combat Action Ribbon, the Marine Corps Good Conduct Medal, the Marine Corps Expeditionary Medal, the National Defense Service Medal, the Global War on Terrorism Expeditionary Medal and the Sea Service Deployment Ribbon.

The lives of countless people were enormously enhanced by Jeremy's goodwill and service. He inspired all those who knew him. Our Nation is a far better place because of his life. All Americans owe Jeremy, and the other soldiers who have made the ultimate sacrifice in defense of freedom, a tremendous debt of gratitude for their service.

I express my sympathies to the family and friends of Lance Corporal Jeremy Bohlman. I believe the best way to honor him is to emulate his commitment to our country. I know he will always be missed, but his service to our Nation will never be forgotten.

#### FLAG DAY

Mr. BYRD. Mr. President, in August 1814, during the War of 1812, the British Navy bombarded Fort McHenry in Baltimore. A lawyer and amateur poet named Francis Scott Key from nearby Washington witnessed the attack from a British ship, where he had been attempting to secure the release of some American prisoners. The bombardment continued through the night and many watching feared that the fort, which guarded the approach to Baltimore, would shatter under the onslaught. When at last the dawn came, Fort McHenry still stood, its enormous American flag, though tattered, still flying. The exhausted British forces retreated.

Francis Scott Key captured the relief and exhilaration of that turning point in history in a poem, which he titled "The Defense of Fort M'Henry." His verses were subsequently printed widely, and a note added that said the accompanying tune was "Anacreon in Heaven," then a popular tune. In October 1814, a Baltimore actor sang Key's new song in a public performance, calling it, for the first time, "The Star Spangled Banner." The Star Spangled Banner became the national anthem in 1931 by an act of Congress. Though difficult for many people to sing, this anthem has retained its popularity because it so eloquently captures the love we have as a nation for our flag and the tender regard we have for the Nation those colors represent.

Since the tragic events of September 11, 2001, Americans have grown used to the sight of American flags. Beginning just hours after those horrifying images hit our television screens, people reached into their closets and hung

flags by their front doors, in their front yards, from their cars, and in front of their businesses. After the gauntlet of terrorism had been flung in our face, we as a nation answered the insult in a resounding and defiant way. Instinctively, we knew what to do. Our collective consciousness recalled the words from the Star Spangled Banner: "Oh, say, does that star spangled banner yet wave? O'er the land of the free, and the home of the brave?" Together, we made sure that our banner still waved.

This last weekend, on the 60th anniversary of the D-Day invasion of Normandy, American flags again flew proudly as Americans and Europeans remembered and honored the heroic sacrifices of June 4, 1944, that led to the liberation of that beleaguered continent. On those distant shores, the last cohort of an earlier generation accepted the enduring thanks of nations and peoples freed from the terrible bonds of occupation.

World War II brought out the best in America. Facing a clear and present danger, the Nation, like a team of horses hitched to a heavy load, dug deep and pulled together to put the enormous energy and resources of our bountiful land to work. Vast armies were trained and sent to battlefields across three continents. Fleets of ships were built to ferry unimaginable quantities of materiel to support those troops. Swarms of aircraft, armadas of battleships, and vast thundering herds of tanks were built and sent forth to defeat our enemies. Our scientists harnessed their creativity to produce new technology and new weapons more deadly and more terrifying than any mankind had ever before seen. Though our losses were staggering, the Nation persevered until the happy days that American flags drove proudly into Paris and flew over Germany, Italy and Japan. Never before, and, I fervently hope and pray, never again will the world see war waged on such a scale.

Today, we are again at war. Our enemies are different, shadowy and elusive, and their tactics and methods of operation are most un-military. Not for them the open field of battle, but rather the saboteur's stealthy attack. Still, American troops lie encamped in Afghanistan and Iraq. Daily, they face attacks that, sadly, send home too many of our men and women in uniform shrouded beneath an American flag. For these fallen heroes, the music is "Taps," not the "Star Spangled Banner." The flag, however, was much the same as the one that flew over Fort McHenry all those years ago.

Each June 14, we honor the flag, marking the day in 1777 that the Continental Congress adopted a resolution that stated simply: "Resolved, That the flag of the thirteen United States be thirteen stripes alternate red and white; that the union be thirteen stars, white in a blue field, representing a new constellation."

In the Nation's early years, the actual design of the flag, whether the

stars had five points or six or whether they were arranged in rows or a circle, was open to different interpretations. Also in our Nation's early years, a new star and a new stripe were added as each new State was added to the Union. The flag that flew over Fort McHenry in 1814 had fifteen stars and fifteen stripes. On April 4, 1818, President James Monroe signed into law the Flag Act of 1818. That act stipulated that, as of July 4, 1819, the flag would consist of thirteen stripes, for the thirteen original colonies, and twenty stars, one for each State at the time. Further, upon admission to the Union, a new star would represent each new State. Thus was born the flag that we know today, the flag that flies over this Capitol building.

Through war and peace, triumph and tragedy, our flag, like our Nation, has endured much over the last two centuries. Hoisted over the victory stand at the Olympics, as it surely will be this summer in Greece, draped over the gaping wound in the side of the Pentagon before it was reconstructed, or printed on sacks of relief supplies sent to crisis situations across the globe, our Nation's flag conveys our pride, our courage, our defiance, and our magnanimity in the face of great challenges. The flag is a part of so many other holidays and celebrations. At the Fourth of July, on Memorial Day, on Veterans Day, and now on the 11th of September, the flag will be flying. And always, the sight of the red, white, and blue pulls us to our feet and stirs our emotions. So it is more than fitting that on one day each year, we honor the flag itself.

I would like to close with one of my favorite poems, by Henry Holcomb, entitled "Hats Off." It is a fitting tribute to our flag.

#### FLAG DAY

Hats off!  
 Along the street there comes  
 A blare of bugles, a ruffle of drums,  
 A flash of color beneath the sky:  
 Hats off!  
 The flag is passing by!  
 Blue and crimson and white it shines,  
 Over the steel-tipped, ordered lines.  
 Hats off!  
 The colors before us fly;  
 But more than the flag is passing by.  
 Sea-fights and land fights, grim and great,  
 Fought to make and save the State:  
 Weary marches and sinking ships;  
 Cheers of victory on dying lips;  
 Days of plenty and years of peace;  
 March of a strong land's swift increase;  
 Equal justice, right and law,  
 Stately honor and reverend awe;  
 Sign of a nation, great and strong  
 Toward her people from foreign wrong;  
 Pride and glory and honor, all  
 Live in the colors to stand or fall.  
 Hats off!  
 Along the street there comes  
 A blare of bugles, a ruffle of drums;  
 And loyal hearts are beating high:  
 Hats off!  
 The flag is passing by!

#### TRIBUTE TO MAJOR ANNETTE ORTIZ, U.S. AIR FORCE

Mr. LOTT. Mr. President, I wish to take this opportunity to recognize an outstanding Air Force Officer, MAJ Annette Ortiz, for the tremendous work she has done as a member of my staff during the 108th Congress. It is my privilege to recognize her career accomplishments and to commend her for the superb service she has provided the Air Force, the great State of Mississippi, and our Nation.

Major Ortiz earned her commission through ROTC at the University of Hawaii where she graduated in 1990 with a bachelor of arts degree in telecommunications with a minor in German. She completed specialized undergraduate navigator training at Mather Air Force Base in November 1991, and KC-135 Combat Crew Training School at Castle Air Force Base in August 1992. In July 1994, Major Ortiz retrained into the C-130E at Little Rock Air Force Base, where she demonstrated academic excellence.

Following flight school, Major Ortiz reported to the 906th Air Refueling Squadron, 43rd Air Refueling Wing, at Minot Air Force base. While assigned to the 906th, she deployed on inter-command refuelings in the Pacific, European, and Southwest Asian theaters. In support of Operation Restore Hope, the humanitarian re-supply operation in Somalia, she was the lone recipient of the coveted "outstanding performance" evaluation rating during the 15th Air Force Standardization and Evaluation Inspection. She also flew several combat missions into Tuzla and Sarajevo, Bosnia-Herzegovina, including participation in Operations Provide Promise, Joint Endeavor, Deny Flight, Joint Guard, and other NATO supported European operations.

Major Ortiz subsequently served as an Instructor Navigator, C-130E, for the 37th Airlift Squadron, 86th Airlift Wing, at Ramstein Air Force base. During this assignment, she instructed combat employment of the C-130 Adverse Weather Aerial Delivery System, AWADS, and Aircraft Defensive System, ADS. She also led tactical formations of multiple aircraft during joint airborne transportability training and special assignment regarding combat mission planning, tactical formation, and airdrop/airland procedures.

Major Ortiz's next assignment was air operations staff officer, Special Operations Command Pacific, Camp Smith, HI. During this tour, she was first attached to the Air Mobility Warfare Center Tactics Division where she assisted with the instruction of the Combat Aircrew Tactics Training course. She also updated and developed

course curriculum, including the Blue Command and Control course that focused on development of tactics. Subsequently, Major Ortiz was attached to the headquarters Air Force, Directorate for Future Strategic Plan. In this capacity, she participated in the Quadrennial Defense Review and developed strategic personnel initiatives. Major Ortiz was instrumental in the formulation of doctrine and policy that pertained to the total force of Active, Reserve, and civilian Air Force personnel.

In October 2002, Major Ortiz was selected to serve as a legislative fellow and special assistant on my staff. During this 1-year assignment, she was responsible for a wide spectrum of issues that directly affected the security and national defense of the United States. She was also instrumental in carrying out a wide range of special projects, and was particularly effective at coordinating and resolving a broad range of complex military issues for constituents. Major Ortiz also provided expert advice regarding foreign policy matters, and provided effective liaison with senior staff of the Foreign Relations Committee and both Defense Committees. Upon completion of her fellowship, Major Ortiz resumed her status as a Reservist and became a permanent member of my staff, serving as the deputy national security advisor.

Throughout her most distinguished career, MAJ Annette Ortiz has served the Air Force and our Nation with pride and excellence. Her awards include two Air Force commendation medals, Air medal, three Aerial Achievement medals, two with Oak Leaf Cluster, the 15th Air Force outstanding performance flight evaluation, and numerous other campaign and unit distinctions.

Major Ortiz has been an integral member of my staff and has contributed greatly to the best-trained, best-equipped, and best-prepared Air Force in the history of the world. Annette's superb leadership, integrity, and limitless energy have had a profound impact on my entire staff and will continue to positively impact the United States Air Force and our Nation. On behalf of my colleagues on both sides of the aisle, I wish Annette, her husband Carlos, and their children Sofia Anna and Carlos Joseph Alejandro the best of luck in their bright future.

#### LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

On July 23, 2003, Gregory Johnson, a 17-year-old gay man, and his female friend Brandie Coleman were shot in



the front of the head at point-blank range. The gunman was angry because his sexuality was threatened after an intimate encounter with the cross-dressing Johnson. The bodies were found in the back seat of a burned-out automobile.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

#### PLEDGE OF ALLEGIANCE ORAL ARGUMENTS

Ms. MURKOWSKI. Mr. President, today the United States Supreme Court issued its decision in the case of *Elk Grove Unified School District v. Michael Newdon*. In *Elk Grove*, as my colleagues are very much aware, the United States Circuit Court of Appeals for the Ninth Circuit held that the phrase "under God" in the Pledge of Allegiance was unconstitutional. On an 8 to 0 vote the Supreme Court dismissed the case on procedural grounds. The ruling effectively preserves the right of children in public schools to recite the full Pledge of Allegiance. I applaud the decision of the Supreme Court.

It is truly right, and a bit ironic, that the Supreme Court issued its decision today on "Flag Day." Today is also the Golden Anniversary of congressional action that added the words "under God" to the Pledge of Allegiance.

I commend Chief Justice William Rehnquist and Judges Sandra Day O'Connor and Clarence Thomas who agreed, I believe properly, that the decision by the Circuit Court of Appeals for the Ninth Circuit should be overturned not on the standing issue but instead because the words "under God" in the pledge do not violate the Constitution.

In response to the decision by the Ninth Circuit Court of Appeals, I introduced Senate Resolution 71, which passed this body by a 94 to 0 vote. The resolution expressed the sense of the Senate that we "strongly disapprove" the decision of the Ninth Circuit and further instructed the Senate Legal Counsel to intervene in the case to defend the constitutionality of the words "under God" in the Pledge and if unable to intervene, to file an amicus curiae brief in support of continuing the constitutionality of the words "under God" in the Pledge.

I do not if my colleagues have had the opportunity to read the amicus curiae brief filed on behalf of the United States Senate. But I want to compliment Patricia Mack Bryan, the Senate Legal Counsel; Morgan J. Frankel, the Deputy Senate Legal Counsel; and Grant Vinik and Thomas Caballero, who are Assistant Senate Legal Counsels. I know they worked hard on the

brief that was filed in December. They said in the brief:

The First Congress not only acknowledged a proper role for religion in public life, but did so at the very time it drafted the Establishment Clause.

They also noted that:

the Public manifestations of our Nation's religious heritage include "an unbroken history of official acknowledgement by all three branches of the government.

The mere reference to a Higher Being or God does not amount to a breach of the establishment clause of the Constitution.

The children born of this century will probably never appreciate the cold war and how in the early fifties, our country felt threatened by China, Russia and the spread of communism. It was in that historical context that Congress added the phrase "under God" to the pledge. As the Senate Legal Counsel related in their brief, the legislative history makes clear that Congress wanted to give credence to the fundamental truth that a Government deriving its powers from the consent of the governed must look to God for divine leadership.

There can be no doubt our Founding Fathers believed then, as I firmly believe today, that our Nation was founded on a fundamental belief in God, and that the actions we take here in the United States Senate and those of our children when they start their day in school each morning must be governed by the principles invoked by a belief in a dedication to our Country and to God, by whatever name you choose to make reference to that power and foundation.

I welcome the decision of the United States Supreme Court that preserves the right of our children and ourselves to say the words "under God" in our Pledge of Allegiance.

#### SCHIP EXPANSION ACT SUPPORT

Mr. GRAHAM of Florida. Mr. President, I ask unanimous consent that the following letters related to the May 13 introduction of the SCHIP Expansion Act, S. 2420, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION OF  
CHILDREN'S HOSPITALS,  
June 4, 2004.

Hon. BOB GRAHAM,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR GRAHAM: On behalf of the National Association of Children's Hospitals and our more than 120 member hospitals from across the country, I would like to express our strong support for your bill, S. 2420, "the SCHIP Expansion Act of 2004." Your legislation takes important steps to ensure broader access to health coverage for children, which in turn will improve the overall state of our nation's health.

Since 1997, State have made remarkable progress in their effort to insure low-income children under SCHIP. As of June 2003, SCHIP provided health coverage for 3.9 million children. Over the year from June 2002

to June 2003, enrollment of children in the State Children's Health Insurance Program (SCHIP) increased by roughly 264,000, an increase of 7.3 percent.

But for all that the SCHIP program has accomplished, still more needs to be done. More than 6 million children in the United States remain uninsured. We could reduce the number of uninsured children by more than two-thirds—thereby insuring almost all children—if all children eligible for Medicaid and SCHIP were simply enrolled. By eliminating the upper income eligibility limit in SCHIP, your bill would pave the way to removing children from the ranks of the uninsured.

As providers of care to all children, regardless of their economic status, children's hospitals have extensive experience in assisting families to enroll eligible children in Medicaid and SCHIP. They are keenly aware of the importance of addressing the challenges that states face in enrolling this often hard to reach population of eligible children. We strongly support your efforts to reward States that streamline the SCHIP enrollment and renewal process by providing them with a five percentage point increase in the SCHIP matching rate for specified outreach activities, particularly presumptive and 12-month continuous eligibility.

The Nation's children's hospitals are grateful for your leadership in attempting to provide States with the needed funding and flexibility to expand health coverage to our country's uninsured children. We look forward to working with you to advance this important legislation and once and for all ensure that all children have access to the quality health services they need and deserve.

Sincerely,  
LAWRENCE A. MCANDREWS,  
President & Chief Executive Officer.

AMERICAN ACADEMY OF PEDIATRICS  
Washington, DC, June 8, 2004.

Hon. BOB GRAHAM,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR GRAHAM: I write today on behalf of the 57,000 members of the American Academy of Pediatrics to express our support for the SCHIP Expansion Act of 2004 (S. 2420).

As you know, the State Children's Health Insurance Program (SCHIP) provides health insurance to over 6 million low-income children whose family income is not low enough to qualify for Medicaid but are unable to afford health insurance in the private market. SCHIP and the Medicaid program are a critical child health safety net that currently provides health insurance to over 17 million low-income children. Furthermore, eligibility of these programs covers almost two-thirds of the more than 9 million uninsured children in this country; however, these 6.7 million children remain uninsured because of insufficient enrollment and outreach efforts to enroll these eligible children. Your legislation is an important step towards strengthening and sustaining SCHIP, an important part of the child health safety net.

In particular, this legislation would provide necessary additional funds to fix the SCHIP funding "dip" and allow states to maintain current coverage in the program. As you know, when SCHIP was enacted it was funded at lower levels in the later years of the program in order to meet budget requirements. This "dip" in program funding is coming at a time when states are in need of funds. Estimates suggest that 17 states will experience a federal funding shortfall by FY07. S. 2420 provides necessary funds to allow states to maintain current coverage in SCHIP. This legislation also provides an incentive to the states to improve outreach

and enrollment efforts in both Medicaid and SCHIP in order to enroll the nearly 7 million children who are eligible for Medicaid or SCHIP but unenrolled. In addition, this legislation addresses another important barrier to enrolling SCHIP eligible children by prohibiting states from capping their SCHIP programs without first exhausting all available federal funding. Although this provision is a step in the right direction, the American Academy of Pediatrics believes that any cap on health care funding for public program coverage is detrimental to ensuring that all uninsured, eligible children and families are able to enroll.

The American Academy of Pediatrics believes that all children, regardless of income, should have access to affordable health insurance such that their families can afford health care services necessary for healthy development. We therefore commend your efforts to strengthen the SCHIP program and give states the option to expand this program to reach more children in their state whose families are unable to afford health insurance in the private market. We encourage states to maintain efforts mandated in the SCHIP statute to minimize crowd-out of the private market as they consider such expansions of SCHIP coverage. Because in most states Medicaid and SCHIP currently pay physicians who care for children at inadequate rates, maintaining the private market is necessary to allow physicians to subsidize care for these children. The Academy urges Congress to consider the impact of inadequate payment rates for services under Medicaid and SCHIP on access to necessary services for beneficiaries in these programs.

The American Academy of Pediatrics is committed to protecting Medicaid and SCHIP. We look forward to working with you on this and other legislative efforts to protect, sustain, and strengthen these critical child health safety net programs.

Sincerely,

CARDEN JOHNSTON, MD, FAAP,  
President.

### THREE MONTHS AND COUNTING

Mr. LEVIN. Mr. President, 3 months from yesterday is the expiration date for the assault weapons ban. Despite Senate passage of a bipartisan amendment that would have reauthorized the ban, it appears that this important gun safety law will be allowed to expire. The House Republican leadership opposes reviewing the law and President Bush, though he has said he supports it, has done little to help keep the law alive.

In April of this year, the Brady Campaign to Prevent Gun Violence joined hundreds of local elected officials and senior law enforcement officials to urge President Bush to push for reauthorization of this critical piece of gun safety legislation. I commend them for their efforts and continue to support this commonsense gun safety legislation.

The 1994 law banned a list of 19 specific weapons, as well as a number of other weapons incorporating certain design characteristics such as pistol grips, folding stocks, bayonet mounts, and flash suppressors. The assault weapons ban also prohibited the manufacture of semiautomatic weapons that incorporate at least two of these military features and which accept a detachable magazine.

I support the efforts of the law enforcement community and local leaders who are calling for legislation extending the law. In 1994, I voted for the assault weapons ban and, in March of this year, I joined a bipartisan majority of the Senate in voting to extend the assault weapons ban for 10 years.

Law enforcement support for the assault weapons ban is broad. It includes the International Association of Chiefs of Police, the Major Cities Chiefs Association, the Police Foundation, the Police Executive Research Forum, the International Brotherhood of Police Officers, the National Association of School Resource Officers, the National Fraternal Order of Police, the National Organization of Black Law Enforcement Executives, the Hispanic American Police Command Officers Association, and the National Black Police Association.

In addition, mayors and police chiefs from Detroit, Los Angeles, San Francisco, Miami, Seattle, Chicago, and Washington, D.C. have joined over 200 other local leaders in urging Congress to immediately pass a 10-year extension of the current ban.

Despite broad support for this law, the National Rifle Association fought against passage of the assault weapons ban in 1994 and continues to oppose it to this day. The ban is a major public safety measure that protects citizens and police officers and I urge the President and the Congress to act immediately to reauthorize the law.

### FRANCES WILLIAMS PRESTON

Mr. ALEXANDER. Mr. President, today I pay tribute to an outstanding native Tennessean, Frances Williams Preston.

Frances Preston was born in Nashville, TN and attended elementary, high school and Peabody College at Vanderbilt University there. She holds honorary degrees from the Berklee School of Music, Boston, MA, Lincoln College, Lincoln, IL, and Oklahoma University, Tulsa, OK. Ms. Preston is married to Nashville businessman E.J. Preston, and she is the mother of three children and the grandmother of six children.

This year, Frances Preston will retire from her position of President and Chief Executive Officer of Broadcast Music Inc., BMI. Under Ms. Preston's leadership for the past 18 years, BMI gained international respect as a leader in the entertainment industry and is viewed as one of the music industry's most consistently successful and progressive entities. BMI was founded in 1939 and it operates as a non-profit making business. After operating expenses are paid, BMI returns all royalties to approximately 300,000 creators and copyright owners that it represents.

Ms. Preston began her career in the music industry when she joined the nationally known Nashville radio station, WSM, in mid-1950 as a mail room em-

ployee and where she answered fan mail sent to Hank Williams. Later, she became the popular hostess of a daily fashion and style television show on the WSM station. In 1958, Ms. Preston became a part of BMI when she opened a BMI operation in Nashville as a result of some slight prodding by the first President of BMI, Bob Burton. Ms. Preston began her career with BMI with one assistant working in her parents' garage and oversaw the company's growth to more than 400 employees in Nashville. In 1986, Ms. Preston was appointed to serve as President & CEO of BMI. Ms. Preston played a lead role in building BMI's 2004 repertoire of nearly 4.5 million musical works.

Ms. Preston has been vigilant and supported legislation with respect to rights and incomes of songwriters, composers and publishers.

Frances Preston has received numerous awards and recognition, including but not limited to the T.J. Martell Foundation Humanitarian Award in 1992, the Friar's Applause Award in 1993, the International Achievement in Arts Humanitarian Awards in 1995 and 1997, the American Women in Radio and Television's Outstanding Achievement Award in 1998, the American Women in Radio and Television President's Award in 1998, the National Trustees Award at the 1998 Grammy Awards, the Society for the Advancement of Women's Health Research Woman of Achievement Award in 1999, the National Music Publishers' Association's President's Award in 2001, the Nashville Songwriters Association International President's Award in 2002, the Women in Music Touchstone Advocate Award in 2003, the Michael Bolton Charities' Lifetime Achievement Award in 2003, the Irving Waugh Award of Excellence, and the Broadcasters' Foundation's Golden Mike Award in 2004.

Ms. Preston sits on numerous boards and generously volunteers her time to many charitable organizations.

This brief statement cannot capture all the strengths of Frances Williams Preston and her manifold good works for songwriters, composers and publishers, and America as a whole. I did want to bring to my colleagues' attention the accomplishments and legacy of Frances Preston, and I am honored to recognize the contributions of this great Tennessean.

### ADDITIONAL STATEMENTS

#### TRIBUTE TO MR. WILLIAM GREENBLATT

• Mr. BOND. Mr. President, today I congratulate Mr. William Greenblatt, a man whose accomplishments are a true testament to what a business and community leader should be, as he celebrated his 50th birthday on June 9, 2004.

Mr. Greenblatt began his career providing photography services for commercial, industrial, public relations

and nonprofit organizations including the City of St. Louis, Make-A-Wish Foundation, United Way, and American Heart Association. He also serves as the St. Louis Fire Department's photographer recreating fire scene construction and investigations as well as documenting training and incidents.

During Mr. Greenblatt's career, he has had the honor of being the official photographer for many of the most prominent Missouri Federal, State, and local politicians, as well as St. Louis artists Nelly and Toya. In addition to his services at United Press International, he has contributed to numerous publications such as the Chicago Tribune, Los Angeles Times, Newsweek Magazine, New York Times, and the Washington Post.

Mr. Greenblatt has dedicated both his professional and personal life to the betterment of his community. He has served on several nonprofit boards as well as being a member of several professional organizations including the St. Louis Regional Chamber and Growth Association, St. Louis Journalism Review Board of Editorial Advisors, Urban League of Metropolitan St. Louis, and the James S. McDonnell Board of Directors.

Throughout his service, Mr. Greenblatt has been honored with several achievements including placing in the Baseball Hall of Fame Photo Contest, Certificate of Appreciation from the City of St. Louis Emergency Management Agency, Outstanding Citizen Award.

Mr. Greenblatt has a distinguished record of service in his public and private life. I thank him for his dedication to his profession as well as his contributions to the St. Louis Community. On behalf of Missouri, I wish him a happy 50th birthday.●

#### HONORING JOHN BURSON

● Mr. MILLER. Mr. President, in our formative years, many of us were exposed to the phrase "you can do anything that you set your mind to." This cliché is symbolic of the optimism embodied in the American Dream. Across the width and breadth of this great land, we see countless examples of people who exemplify that spirit.

Some of us live out that dream by finding success as teachers, others as doctors. Some of us find passion in the freedom of flight, while some of us thrive in the rigid structure of the military. Very few of us are able to test our limits and succeed in multiple areas. I stand before you to recognize one such person.

Dr. John Burson is a shining example of what a human being is capable of if one has the will and the focus to reach for the stars. He has spent the last 25 years serving the citizens of Carroll County, GA, as an ear, nose, and throat specialist. All the time and effort required to become a practicing physician is a lot to ask of anyone, however it is merely the tip of the iceberg for Dr. Burson.

Before pursuing a career in medicine at the age of 37, Dr. Burson spent his time acquiring a bachelor's degree and a master's degree, as well as a Ph.D. in Engineering, from the Georgia Institute of Technology. Upon completing his doctorate, he continued to pass on his knowledge to others for several years as a professor at Georgia Tech. Dr. Burson obtained his post-graduate degrees and professorship while simultaneously serving as an officer and pilot in the Army Reserves, where Dr. Burson rose to the rank of Lieutenant Colonel. Only after achieving all of this, at the age of 37, with a wife and children, did John decide it was time to pursue a career in medicine.

Twenty five years later, John has found a way to impress us all again. In a short time, he will be heading to a field hospital in Iraq to relieve an active duty physician for 3 months, allowing that physician 3 months back home with his or her family. While many his age are beginning to look towards quieter days, John Burson is once again serving his country, as well as providing a most precious gift to a person that he has never met.

Orison Swett Marden, a famed Nineteenth Century thinker, stated that "the greatest thing a man can do in this world is to make the most possible out of the stuff that has been given to him. This is success and there is none other." Soldier. Scholar. Doctor. Husband. Father. I believe that Mr. Marden, were he still alive, would not hesitate to proclaim John Burson a successful man. People spend most of their lives attempting to do one thing well. Few and far between are the people who have the courage to try and determination to achieve success at all. Dr. John Burson is one of those few and I am proud to call him a fellow Georgian and a fellow American, and I thank him for his years of service to our country, to the State of Georgia, and to his community.●

#### RECOGNIZING LARSON MANUFACTURING

● Mr. JOHNSON. Mr. President it is my great honor to recognize today the 50th Anniversary of Larson Manufacturing, the Nation's leading manufacturer of storm doors, which is headquartered in Brookings, SD. I take this opportunity to congratulate Mr. Dale Larson, founder of Larson Manufacturing, for his success and thank him for all of the many contributions he and his company have afforded the Brookings community and the State of South Dakota. In addition, as with any successful business, it takes a great team effort to accomplish such a milestone. So to all of the former and current employees of Larson Manufacturing . . . job well done.

Larson began as a small factory and now employs over 1,000 people nationwide. Larson storm doors are known for their exceptional quality and superior craftsmanship. What truly makes

this company great is the dedication and commitment to quality shared by all of the employees. This company has truly been a model of a good corporate citizen. Mr. Larson is widely known for his generosity to the Brookings community. Among the many charitable projects this company has spearheaded are Larson Park, Larson Ice Arena, and a community bike path. In addition, over 3,000 storm doors are donated to Habitat for Humanity each and every year, making the dream of home ownership a reality for many families. It is with great honor that I share this company's impressive accomplishments with my colleagues.●

#### TRIBUTE TO KOHRS LONNEMANN HEIL ENGINEERS PSC

● Mr. BUNNING. Mr. President, today I pay tribute to Kohrs Lonnemann Heil Engineers for being named the Kentucky Small Business Person of the Year.

Joseph R. Kohrs, Robert A. Heil, Robert A. Lonnemann are the leaders of Covington's Kohrs Lonnemann Heil Engineers, a mechanical and electrical engineering firm offering heating, ventilating, air conditioning, electrical, fire protection, plumbing and communication technology consulting engineering services. Being one of the few firms in the area offering this combination of services, today, it has carved its own sizable niche, providing excellence in engineering, design and field services to Kentucky.

Kohrs Lonnemann Heil Engineers is an outstanding example of how Kentuckians use their entrepreneurial talent, drive and vision to create opportunities not just for themselves, but for others. What began as a humble business almost 47 years ago is now a leading engineering firm that is a leader in giving back to the community.

Northern Kentucky is fortunate to have Kohrs Lonnemann Heil Engineers as a home-based business. But more importantly, it is fortunate to have Mr. Kohrs, Mr. Heil, and Mr. Lonnemann call Northern Kentucky home. I appreciate their loyalty to Kentucky and their community. The company has been a shining example of leadership, hard work, and compassion. They are an inspiration to all throughout the Commonwealth.

Congratulations, Kohrs Lonnemann Heil Engineers. You are Kentucky at its finest.●

#### COMMEMORATING FRANK BAKER

● Mrs. BOXER. Mr. President, I wish to recognize a constituent, Frank Baker, who will mark his 50th year of exemplary service to the American Legion California Boys State Program.

Since 1935, the Boys State Program has brought together high school boys from across their States to immerse them in a week of education about, and simulation of, their State government. The California program began in 1938,

and Mr. Baker is the second person in the history of the California Boys State program to reach the milestone of 50 years of service.

Mr. Baker joined the California Boys State staff in 1955 as a clerk and in 1958 was named secretary of the program. He supported the counseling staff in delivering excellent programming to the Boys State delegates year after year.

In 1975, Mr. Baker was elevated to the treasurer of the Boys State Program. He became the program administrator in 1982 and has been responsible for overseeing the infrastructure of the Boys State Program. The 2004 California Boys State session will be Mr. Baker's 50th consecutive year of service.

Mr. Baker has been a leader outside of the California Boys State program as well, serving in the U.S. Army's 103rd Infantry in Germany, France, and Italy in World War II. Mr. Baker has been active in the Boy Scouts of America and was involved with the Sea Scouts in the 1940s. Since 1990, Mr. Baker has been a Kiwanis member and has raised money for Kiwanis House, the Just for Kids Program and the Teddy Bear Purchase Program for the Sacramento County Sheriff's Department. He also volunteered his time as a court spokesman for neglected and abused children for 8 years through the court-appointed special advocates of Sacramento.

Mr. Baker began a long teaching career in 1952 when he joined the business department at Sacramento High School. After moving to Hiram Johnson High School—where he taught until his retirement in 1998—he served as chairman of the business department and taught classes at Sacramento City College.

Mr. Baker's actions demonstrate his dedication to serving his country and the State of California, and I offer my hearty congratulations to him on his 50th year of service to the California Boys State program.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

TEXT OF AN AMENDMENT TO THE AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND FOR COOPERATION ON THE USES OF ATOMIC ENERGY FOR MUTUAL DEFENSE PURPOSES OF JULY 3, 1958—PM 85

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

*To the Congress of the United States:*

I am pleased to transmit to the Congress, pursuant to section 123d. of the Atomic Energy Act of 1954, as amended, the text of an amendment to the Agreement Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes of July 3, 1958, as amended, and my written approval, authorization, and determination concerning the agreement. The joint unclassified letter submitted to me by the Secretaries of Energy and Defense that provides a summary position on the Amendment is also enclosed.

The Amendment extends for 10 years (until December 31, 2014) provisions that permit the transfer of nonnuclear parts, source, byproduct, special nuclear materials, and other material and technology for nuclear weapons and military reactors, and revises text, principally in the Security Annex, to be consistent with current policies and practices relating to personnel and physical security.

In my judgment, the proposed Amendment meets all statutory requirements. The United Kingdom intends to continue to maintain viable nuclear forces. In light of our previous close cooperation and the fact that the United Kingdom has committed its nuclear forces to the North Atlantic Treaty Organization, I have concluded that it is in our interest to continue to assist them in maintaining a credible nuclear force.

I have approved the Amendment, authorized its execution, and urge that the Congress give it favorable consideration.

GEORGE W. BUSH.  
THE WHITE HOUSE, June 14, 2004.

#### MESSAGES FROM THE HOUSE— JUNE 9, 2004

At 9:33 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to House Resolution 663, expressing the profound regret and sorrow of the House of Representatives on the death of Ronald Wilson Reagan, former President of the United States of America.

#### ENROLLED BILLS SIGNED

At 3:15 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1233. An Act to authorize assistance for the National Great Blacks in Wax Museum and Justice Learning Center.

H.R. 1086. An Act to encourage the development and promulgation of voluntary consensus standards by providing relief under the antitrust laws to standards development organizations with respect to conduct engaged in for the purpose of developing voluntary consensus standards, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. STEVENS), during adjournment.

#### MESSAGE FROM THE HOUSE DURING ADJOURNMENT

At 3:26 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution:

S. Con. Res. 115. Concurrent resolution authorizing the use of the rotunda of the Capitol for the lying in state of the remains of the late Ronald Wilson Reagan, 40th President of the United States.

#### MESSAGE FROM THE HOUSE

At 1:03 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 116. Concurrent resolution providing for a conditional adjournment or recess of the Senate and the House of Representatives.

#### ENROLLED BILL PRESENTED DURING ADJOURNMENT

The Secretary of the Senate reported that on June 10, 2004, she had presented to the President of the United States the following enrolled bill:

S. 1233. An act to authorize assistance for the National Great Blacks in Wax Museum and Justice Learning Center.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-7886. A communication from the Secretary, Department of Agriculture, transmitting, pursuant to law, a report relative to the Department's competitive sourcing policy and Fiscal Year 2004 Budget for Contracting out in accordance with Division A of the Consolidated Appropriations Act, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7887. A communication from the Secretary of Agriculture, transmitting, pursuant to law, a report relative to the Department of Agriculture's Fiscal Year 2003 Competitive Sourcing Efforts; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7888. A communication from the Chairman and Chief Executive, Office of General Counsel, Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled "Loan Policy and Operations; Funding and Fiscal Affairs; Loan Policies and Operations, and Funding Operations; OFI Lending" received on June 9, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7889. A communication from the Director, Economic and Policy Analysis Staff, Farm Service Agency, transmitting, pursuant to law, the report of a rule entitled "2002 Farm Bill—Conservation Reserve Program—Long Term Policy" (RIN0560-AG74) received on June 9, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7890. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Animal Welfare; Definition of Animal" (Doc. No. 98-106-3) received on June 7, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7891. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Humates; Exemption from the Requirement of a Tolerance" (FRL#7361-6) received on June 7, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7892. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Indoxacarb; Tolerances for Residues; Technical Correction" (FRL#7362-4) received on June 7, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7893. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting, pursuant to law, the report of a rule entitled "Pine Shoot Beetle; Additions to Quarantined Areas" (Doc. No. 04-036-1) received on June 7, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7894. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting, pursuant to law, the report of a rule entitled "Gypsy Moth Generally Infested Areas" (Doc. No. 04-025-1) received on June 7, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7895. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Fees for Product Review and Approval" received on June 7, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7896. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Fees for Reviews of the Rule Enforcement Programs of Contract Markets and Registered Futures Associations" received on June 7, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7897. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "17 CFR Part 30 Foreign Futures and Options Transactions" received on June 7, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7898. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Intermarket Clearing Corporation—Request for Vacation from Designation as De-

rivatives Clearing Organization" received on June 7, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7899. A communication from the Acting Under Secretary of Defense, Comptroller, Department of Defense, transmitting, pursuant to law, a report of a violation of the Antideficiency Act, case number 00-01, relative to the 75th Division (Exercise) United States Army Reserves, Houston, Texas; to the Committee on Appropriations.

EC-7900. A communication from the Chairman, Technology and Privacy Advisory Company, Department of Defense, transmitting, pursuant to law, a report entitled "Safeguarding Privacy in the Fight Against Terrorism"; to the Committee on Armed Services.

EC-7901. A communication from the Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "TRICARE Program; Inclusion of Anesthesiologist Assistants as Authorized Providers; Coverage of Cardiac Rehabilitation in Free-standing Cardiac Rehabilitation Facilities" (RIN0720-AA76) received on June 9, 2004; to the Committee on Armed Services.

EC-7902. A communication from the Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "TRICARE Program; Inclusion of Anesthesiologist Assistants as Authorized Providers; Coverage of Cardiac Rehabilitation in Free-standing Cardiac Rehabilitation Facilities" (RIN0720-AA76) received on June 9, 2004; to the Committee on Armed Services.

EC-7903. A communication from the Assistant Director, Executive and Political Personnel, transmitting, pursuant to law, the report of a vacancy in the position of Under Secretary of Defense, Comptroller, Department of Defense, received on June 7, 2004; to the Committee on Armed Services.

EC-7904. A communication from the Acting Under Secretary of Defense, Comptroller, Department of Defense, transmitting, pursuant to law, a report relative to the Army, Navy, and Air Force Defense Working Capital Funds.

EC-7905. A communication from the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the report of a retirement; to the Committee on Armed Services.

EC-7906. A communication from the Chairman, National Credit Union Administration, transmitting, pursuant to law, the Administration's 2003 Annual Report; to the Committee on Banking, Housing, and Urban Affairs.

EC-7907. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the six-month periodic report on the national emergency with respect to the proliferation of weapons of mass destruction that was declared in Executive Order 12938 of November 14, 1994; to the Committee on Banking, Housing, and Urban Affairs.

EC-7908. A communication from the Chief Counsel, Bureau of the Public Debt, Fiscal Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "17 CFR Part 403, Government Securities Act Regulations; Protection of Customer Securities and Balances; and Order Regarding the Collateral Registered Government Securities Brokers and Dealers Must Pledge When Borrowing Customer Securities" received on June 7, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-7909. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "12 C.F.R. Part 745—

Share Insurance; Living Trust Accounts" received on June 7, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-7910. A communication from the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the Department's report on the circulation of the Golden Dollar coin; to the Committee on Banking, Housing, and Urban Affairs.

EC-7911. A communication from the Deputy Assistant Administrator, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; 2003 Management Measures" (RIN0648-AQ17) received on June 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7912. A communication from the Deputy Assistant Administrator, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement the Fishery Management Plan for the Dolphin and Wahoo Fishery of the Atlantic" (RIN0648-AO63) received on June 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7913. A communication from the Deputy Assistant Administrator, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Final Rule; Annual Management Measures and Sport Fishing Regulations for Area 2A Pacific Halibut Fisheries; and Changes to the Catch Sharing Plan" (RIN0648-AR83) received on June 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7914. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Annual Specifications and Management Measures; Inseason Adjustments" (ID050704A) received on June 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7915. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Apportionment of the Non-specified Reserve of Groundfish in the Bering Sea and Aleutian Islands Management Area (BSAI) to Rock Sole" received on June 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7916. A communication from the Deputy Assistant Administrator, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Highly Migratory Species Fisheries" (RIN0648-AP42) received on June 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7917. A communication from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "International Services Surveys: BE-45, Quarterly Survey of Insurance Transactions by U.S. Insurance Companies with Foreign Persons" (RIN0691-AA53) received on June 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7918. A communication from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "International Services Surveys: BE-85, Quarterly Survey of Financial Services Transactions

Between U.S. Financial Services Providers and Unaffiliated Foreign Persons" (RIN0691-AA50) received on June 9, 2004; to the Committee on Commerce, Science, and Transportation.

EC-7919. A communication from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "International Services Surveys: BE-25, Quarterly Survey of Transactions Between U.S. and Unaffiliated Foreign Persons in Selected Services and in Intangible Assets" (RIN0691-AA54) received on June 9, 2004; to the Committee on Commerce, Science, and Transportation.

### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. PRYOR:

S. 2516. A bill to recognize the sacrifices of the members of the Armed Forces who are injured in combat, and for other purposes; to the Committee on Armed Services.

By Mr. CAMPBELL:

S. 2517. A bill to require the Secretary of the Treasury to mint coins in commemoration of Ronald Wilson Reagan, the 40th President of the United States; to the Committee on Banking, Housing, and Urban Affairs.

### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. CLINTON (for herself and Mr. SCHUMER):

S. Res. 376. A resolution congratulating the Syracuse University Orange men's lacrosse team on winning the 2004 NCAA Division I men's lacrosse National Championship; considered and agreed to.

By Mrs. CLINTON (for herself and Mr. SCHUMER):

S. Res. 377. A resolution congratulating the Le Moyne College Dolphins men's lacrosse team on winning the 2004 NCAA Division II men's lacrosse National Championship; considered and agreed to.

By Mr. CORNYN (for himself, Mrs. FEINSTEIN, Mr. CRAIG, Mr. GRASSLEY, Mr. CHAMBLISS, Mr. GRAHAM of South Carolina, and Mr. DEWINE):

S. Res. 378. A resolution designating June 14, 2004, as "National Pledge of Allegiance to the Flag Day"; considered and agreed to.

By Mr. BROWNBACK (for himself, Mr. BAYH, Mr. ALEXANDER, Mr. ALLEN, Mr. BENNETT, Mr. BUNNING, Mr. BURNS, Mr. COCHRAN, Mr. CORNYN, Mr. CRAPO, Mr. DOMENICI, Mr. FITZGERALD, Mr. HAGEL, Ms. LANDRIEU, Mr. LEVIN, Mr. LOTT, Mr. MILLER, Mr. SANTORUM, and Mr. TALENT):

S. Res. 379. A resolution protecting, promoting, and celebrating fatherhood; to the Committee on the Judiciary.

### ADDITIONAL COSPONSORS—JUNE 9, 2004

S. 560

At the request of Mr. DAYTON, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of

S. 560, a bill to impose tariff-rate quotas on certain case in and milk protein concentrates.

S. 847

At the request of Mr. SMITH, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 847, a bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low income individuals infected with HIV.

S. 1379

At the request of Mr. JOHNSON, the names of the Senator from Hawaii (Mr. INOUE) and the Senator from Illinois (Mr. FITZGERALD) were added as cosponsors of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1411

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1411, a bill to establish a National Housing Trust Fund in the Treasury of the United States to provide for the development of decent, safe, and affordable housing for low-income families, and for other purposes.

S. 1414

At the request of Mr. HATCH, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1414, a bill to restore second amendment rights in the District of Columbia.

S. 1477

At the request of Mr. CORZINE, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1477, a bill to posthumously award a Congressional gold medal to Celia Cruz.

S. 1630

At the request of Mrs. CLINTON, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1630, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral services, and for other purposes.

S. 1963

At the request of Mrs. BOXER, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Florida (Mr. NELSON) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 1963, a bill to amend the Communications Act of 1934 to protect the privacy right of subscribers to wireless communication services.

S. 2138

At the request of Mr. GRAHAM of South Carolina, the name of the Senator from North Dakota (Mr. DORGAN) was withdrawn as a cosponsor of S. 2138, a bill to protect the rights of American consumers to diagnose, service, and repair motor vehicles purchased in the United States, and for other purposes.

S. 2158

At the request of Ms. COLLINS, the names of the Senator from North Caro-

lina (Mrs. DOLE), the Senator from Texas (Mr. CORNYN) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 2158, a bill to amend the Public Health Service Act to increase the supply of pancreatic islet cells for research, and to provide for better coordination of Federal efforts and information on islet cell transplantation.

S. 2302

At the request of Mr. CONRAD, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Nevada (Mr. ENSIGN) were added as cosponsors of S. 2302, a bill to improve access to physicians in medically underserved areas.

S. 2328

At the request of Mr. DORGAN, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 2328, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes.

S. 2364

At the request of Mr. CORZINE, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2364, a bill to amend title 36, United States Code, to grant a Federal charter to the Irish American Cultural Institute.

S. 2461

At the request of Mr. DEWINE, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 2461, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 2467

At the request of Mr. SCHUMER, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 2467, a bill to clarify the calculation of per-unit costs payable under expiring annual contributions contracts for tenant-based rental assistance that are renewed in fiscal year 2004.

S. RES. 221

At the request of Mr. SARBANES, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. Res. 221, a resolution recognizing National Historical Black Colleges and Universities and the importance and accomplishments of historically Black colleges and universities.

S. RES. 335

At the request of Mr. MCCAIN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. Res. 335, a resolution expressing the sense of the Senate that Major League Baseball clubs and their players should take immediate action to adopt a drug-testing policy that effectively deters Major League Baseball players from using anabolic steroids and any other performance-enhancing substances that create a competitive advantage for, and pose a serious health risk to, such players and the children and teenagers who emulate them.



## AMENDMENT NO. 3366

At the request of Mrs. BOXER, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of amendments No. 3366 intended to be proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

## AMENDMENT NO. 3400

At the request of Mr. FEINGOLD, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of amendment No. 3400 intended to be proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

## ADDITIONAL COSPONSORS

## S. 190

At the request of Mrs. FEINSTEIN, the names of the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Florida (Mr. GRAHAM), the Senator from Maine (Ms. SNOWE), the Senator from Mississippi (Mr. LOTT), the Senator from Oregon (Mr. WYDEN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 190, a bill to establish the Director of National Intelligence as head of the intelligence community, to modify and enhance authorities and responsibilities relating to the administration of intelligence and the intelligence community, and for other purposes.

## S. 585

At the request of Mr. NELSON of Florida, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 585, a bill to amend title 10, United States Code, to repeal the requirement for reduction of SBP survivor annuities by dependency and indemnity compensation.

## S. 884

At the request of Ms. LANDRIEU, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 884, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

## S. 983

At the request of Mr. CHAFEE, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 983, a bill to amend the Public Health Service Act to authorize the Di-

rector of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

## S. 1129

At the request of Mrs. FEINSTEIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1129, a bill to provide for the protection of unaccompanied alien children, and for other purposes.

## S. 1368

At the request of Mr. LEVIN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1368, a bill to authorize the President to award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement.

## S. 1666

At the request of Mr. COCHRAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1666, a bill to amend the Public Health Service Act to establish comprehensive State diabetes control and prevention programs, and for other purposes.

## S. 1762

At the request of Mr. DAYTON, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1762, a bill to amend title II of the social Security Act to eliminate the five-month waiting period in the disability insurance program, and for other purposes.

At the request of Mr. CRAPO, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1762, *supra*.

## S. 1771

At the request of Ms. SNOWE, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1771, a bill to amend title XIX of the Social Security Act to permit States to obtain reimbursement under the medicaid program for care or services required under the Emergency Medical Treatment and Active Labor Act that are provided in a nonpublicly owned or operated institution for mental diseases.

## S. 1900

At the request of Mr. LUGAR, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1900, a bill to amend the African Growth and Opportunity Act to expand certain trade benefits to eligible sub-Saharan African countries, and for other purposes.

## S. 1931

At the request of Mr. BUNNING, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1931, a bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect

to the expansion of the adoption credit and adoption assistance programs.

## S. 2032

At the request of Mrs. BOXER, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2032, a bill to provide assistance and security for women and children in Afghanistan and for other purposes.

## S. 2088

At the request of Mr. KENNEDY, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 2088, a bill to restore, reaffirm, and reconcile legal rights and remedies under civil rights statutes.

## S. 2158

At the request of Ms. COLLINS, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from Minnesota (Mr. DAYTON) and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 2158, a bill to amend the Public Health Service Act to increase the supply of pancreatic islet cells for research, and to provide for better coordination of Federal efforts and information on islet cell transplantation.

## S. 2192

At the request of Mr. HATCH, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2192, a bill to amend title 35, United States Code, to promote cooperative research involving universities, the public sector, and private enterprises.

## S. 2249

At the request of Ms. COLLINS, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 2249, a bill to amend the Stewart B. McKinney Homeless Assistance Act to provide for emergency food and shelter.

## S. 2261

At the request of Mr. DEWINE, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 2261, a bill to expand certain preferential trade treatment for Haiti.

## S. 2298

At the request of Mr. BREAUX, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2298, a bill to amend the Internal Revenue Code of 1986 to improve the operation of employee stock ownership plans, and for other purposes.

## S. 2328

At the request of Mr. DORGAN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2328, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes.

## S. 2351

At the request of Ms. COLLINS, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 2351, a bill to establish a Federal Interagency

Committee on Emergency Medical Services and a Federal Interagency Committee on Emergency Medical Services Advisory Council, and for other purposes.

S. 2425

At the request of Mr. SANTORUM, his name was added as a cosponsor of S. 2425, a bill to amend the Tariff Act of 1930 to allow for improved administration of new shipper administrative reviews.

S. 2467

At the request of Mr. SCHUMER, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 2467, a bill to clarify the calculation of per-unit costs payable under expiring annual contributions contracts for tenant-based rental assistance that are renewed in fiscal year 2004.

S. 2490

At the request of Mr. INOUE, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 2490, a bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to establish vessel ballast water management requirements, and for other purposes.

S. 2502

At the request of Mr. CRAIG, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 2502, a bill to allow seniors to file their Federal income tax on a new Form 1040S.

S.J. RES. 30

At the request of Mr. KYL, his name was added as a cosponsor of S.J. Res. 30, a joint resolution proposing an amendment to the Constitution of the United States relating to marriage.

S. CON. RES. 110

At the request of Mr. CAMPBELL, the names of the Senator from Connecticut (Mr. DODD), the Senator from North Dakota (Mr. DORGAN) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. Con. Res. 110, a concurrent resolution expressing the sense of Congress in support of the ongoing work of the Organization for Security and Cooperation in Europe (OSCE) in combating anti-Semitism, racism, xenophobia, discrimination, intolerance, and related violence.

S. RES. 221

At the request of Mr. SARBANES, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Res. 221, a resolution recognizing National Historically Black Colleges and Universities and the importance and accomplishments of historically Black colleges and universities.

S. RES. 269

At the request of Mr. LEVIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. Res. 269, a resolution urging the Government of Canada to end the commercial seal hunt that opened on November 15, 2003.

S. RES. 311

At the request of Mr. BROWNBACK, the names of the Senator from Oregon (Mr. WYDEN), the Senator from New York (Mr. SCHUMER), the Senator from North Carolina (Mr. EDWARDS) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. Res. 311, a resolution calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Father Thadeus Nguyen Van Ly, and for other purposes.

S. RES. 357

At the request of Mr. CAMPBELL, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. Res. 357, a resolution designating the week of August 8 through August 14, 2004, as "National Health Center Week".

AMENDMENT NO. 3234

At the request of Mr. NELSON of Florida, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of amendment No. 3234 intended to be proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3264

At the request of Mr. PRYOR, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Georgia (Mr. CHAMBLISS), the Senator from South Carolina (Mr. GRAHAM), the Senator from Rhode Island (Mr. REED), the Senator from Florida (Mr. NELSON) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of amendment No. 3264 intended to be proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3296

At the request of Mr. WARNER, his name was added as a cosponsor of amendment No. 3296 proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3307

At the request of Mr. WARNER, his name was added as a cosponsor of amendment No. 3307 proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction,

and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

At the request of Mr. LEVIN, his name was added as a cosponsor of amendment No. 3307 proposed to S. 2400, supra.

AMENDMENT NO. 3312

At the request of Mrs. MURRAY, her name was added as a cosponsor of amendment No. 3312 proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3313

At the request of Mr. DODD, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of amendment No. 3313 proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3323

At the request of Mr. FITZGERALD, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of amendment No. 3323 intended to be proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3371

At the request of Mr. SESSIONS, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of amendment No. 3371 intended to be proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3394

At the request of Mr. DORGAN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of amendment No. 3394 intended to be proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year

for the Armed Services, and for other purposes.

#### AMENDMENT NO. 3432

At the request of Mr. FITZGERALD, his name was added as a cosponsor of amendment No. 3432 proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

#### AMENDMENT NO. 3437

At the request of Mr. BUNNING, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of amendment No. 3437 intended to be proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PRYOR:

S. 2516. A bill to recognize the sacrifices of the members of the Armed Forces who are injured in combat, and for other purposes; to the Committee on Armed Services.

Mr. PRYOR. Mr. President, I come to the Chamber today to discuss a reality of today's world in Iraq and elsewhere that I think has not received the appropriate attention. I am referring to the thousands of men and women who have been seriously wounded in recent U.S. combat missions. The numbers wounded in Iraq have soared in recent weeks. Fatalities have risen likewise to a total of 817 yesterday. Of the latest data I have been able to find, 5,015 military personnel have been injured in Iraq, 2,049 have been able to return to action within 72 hours, and 2,964 could not, and many of these injured troops will face months, if not years, of rehabilitation. Many of these troops will suffer lifelong disabilities.

I am told Walter Reed Army Hospital is close to being filled to capacity. I have been to Walter Reed twice this year, and while I talked with soldiers who were wounded in the Iraqi theater, I can tell you that coming face to face with our soldiers in a hospital ward is a sobering event. It makes you think about the costs of war and the sacrifices these men and women have made for our Nation, for each of us.

Memorial Day has just passed, and I have tried to think how best to recognize the sacrifices of our wounded service men and women. I am not sure that I ever can appropriately and fully recognize their sacrifice, but I want to try. That is why I introduce today the Service Act for Care and Relief Initiatives for Forces Injured in Combat Engagement Act, or the SACRIFICE Act. The SACRIFICE Act addresses the

commitment shown by our troops injured in combat and attempts to reciprocate in kind.

My bill does three things. First, it would recognize the sacrifice of American military personnel killed and injured in combat and the heroic efforts of our medical teams through a sense of the Senate.

Second, it would aim to ease the stress of families who are attempting to follow the whereabouts of a loved one injured by combat by establishing a tracking system for wounded personnel being transported out of a combat zone.

Third, it would call for a \$10 million authorization to modernize medical combat equipment, treatment, and combat care triage for our medics in their fight to save lives.

Let me tell my colleagues how I came to write this bill.

Arkansas is a relatively small State with a relatively high enrollment of Arkansans serving our Nation in Active Duty and in the National Guard and Reserve. In March of this year, we said goodbye to 3,000 fellow Arkansans who were deployed to Iraq as part of the 39th Infantry Brigade of the first Cavalry.

It was hard for me to witness separation of families as soldiers prepared for year long war zone deployment. It has been painful to receive news of the 8 Arkansans who have fallen since the beginning of that deployment and the additional 44 who have been seriously injured and transported out of theater.

In honor of this sacrifice, the first section of my bill is a sense of the Senate regarding the American military personnel killed and injured in combat and the heroic efforts of our medical teams.

The second section of the bill, the tracking portion, is an easy, no-cost provision to ease emotional stress of families whose loved ones have been listed as seriously injured or very seriously injured and are being transported out of theater.

As I mentioned before, 44 Arkansas members of the 39th Infantry Brigade have thus far been listed as seriously injured or very seriously injured and evacuated out of theater. Although Congress does not receive notification of the wounded, I continuously receive calls from families who are distraught and worried because of failures in the current family notification system.

The Defense Department has a computer tracking system that is designed to help keep families of fallen soldiers informed of their whereabouts, but the system is not without glitches. For example, some families who have contacted my office have been distraught after hearing from military that they are not exactly sure where the soldiers were at the time. This has made it difficult for families to make plans to travel to the hospitals where their loved one are being cared for.

Also, when a soldier is upgraded from seriously injured or very seriously injured to not seriously injured, the Department of the Army closes out their case in the computer tracking system,

making it particularly difficult for families to keep track of their loved ones. We can and should do more for families of loved ones during such trying times.

I want to recognize SPC Henry Austin Phillips of Charlie Company of the 153rd Infantry, 39th Brigade out of DeQueen, AR.

For example, some families that have contacted my office have been distraught after hearing from the military that they were not sure exactly where the soldiers were at that time. This has made it difficult for families to make plans to travel to the hospital where their loved ones are being cared for.

Also, when a soldier is upgraded from "seriously injured" or "very seriously injured" to "not seriously injured," the Department of the Army closes out their case in the computer tracking system, making it particularly difficult for families to keep track of their loved ones. We can—and should—do more for the families of loved ones during such trying times.

I want to recognize SPC Henry Austin Phillips of the Charlie Company, 1-153d Infantry, 39th Brigade out of DeQueen, AR. He did a great job in the field, and the communication problems that ensued following his injury are not a reflection of him or the military.

He was proud to serve his country, and his State and country are proud of him. I know that if he could return, he would.

As I understand it, this is the situation that Pam Phillips endured when her husband was wounded in Iraq, losing his lower right leg.

After suffering his injury, Specialist Phillips requested that he deliver the news to Pam regarding the seriousness of his condition.

He talked with Pam on Wednesday, May 19, asked her to join him as soon as possible at the Landstuhl Hospital in Germany, where Specialist Phillips understood he would be receiving critical treatment. Naturally, Pam told her husband that she would be there.

I can only imagine that call but it should come as no surprise that Pam and Specialist Phillips both assumed that the Army would assist Pam in joining her husband as soon as possible. That was Specialist Phillips's wish.

But that did not happen.

The nature of Specialist Phillips's injuries required that he be heavily sedated following this phone call so he was unable to speak directly with his wife for several days.

After talking with her husband on May 19, Pam assumed that someone in the Army would assist her in getting to Germany and advise her of her husband's health status. For the record, we do indeed provide spouses with Invitational Travel Orders to transport immediate family members of the seriously wounded. I have encountered several problems with those orders, too.

However, Pam received no additional communication from the Army. Two days later, on May 21, I received a call from Arkansas State Representative Daryl Pace, Pam's brother. Regrettably, this was not the first call I have gotten from families trying to locate their loved ones who have been wounded. I have had four such calls since April.

My staff and the Arkansas National Guard worked tirelessly to track down Specialist Phillips. Finally, on Monday, May 24, 5 days later, Pam learned that her husband had arrived at Walter Reed on Friday, May 21. After 5 days of sheer emotional stress, Pam finally learned that her husband was recovering, that he was OK.

Here is what Daryl Pace has to say about the experience that his sister Pam went through:

There's an empty channel between the field and the hospital. When nobody could find Austin, Pam was horrified that Austin's condition had deteriorated. We were left with the assumption that he was no longer with us.

I ask my colleagues, can they imagine getting a phone call from their son, their daughter, their husband or their wife telling them that they had lost their leg and that they wanted my colleagues to be with them as soon as possible?

Can you imagine that their loved one is in the care of the U.S. Armed Forces, but nobody in the military calls them? Nobody can answer an inquiry about their loved one's whereabouts?

Again, my bill language is direct, I simply want the Secretary of Defense to put into place a uniform policy and procedure that notifies families of an injury to a loved one in combat, followed by regular updates on the health and location of the wounded member.

I ask my colleagues to support me in helping families during a time of terrible tension and emotional pain by requesting that the Secretary review this matter and put into place a policy that supports families rather than burdens them.

The last section of the bill aims to reduce fatalities and disability rates by providing medics in theater with tools that they need.

Like many of my colleagues, I have taken note of the rising casualties and the rising wounded count. But I have also taken note of a rising number of news articles detailing the conditions that our medics must work under while treating our wounded.

According to a Washington Post article on April 27, 2004: "So far in April, more than 900 soldiers and Marines have been wounded in Iraq, more than twice the number wounded in October, the previous high." While half of those wounded were able to return to duty, "The others arrive on stretchers at the hospitals operated by the 31st Combat Support Hospital.

And I quote, "These injuries," said LTC Stephen M. Smith, executive officer of the Baghdad facility, "are horrific."

The article goes on to document the struggles that the medical team confronts everyday in meeting their goal to provide "lightning-swift, expert treatment" and the transfer of the wounded to a military hospital.

An Army survey has documented that the unit with the lowest morale in Iraq was one that ran the combat hospitals.

Another article from the Washington Times dated May 5, 2004, carries the headline: "Casualties of Iraq war can 'get to' U.S. Medics." The article reports that in April 2004, the deadliest month for the U.S.-led coalition in Iraq, the Baghdad hospital treated more than 500 wounded Americans.

The article chronicles the amazing efforts by U.S. medical personnel to save the lives of the wounded.

It details the adverse conditions where "the emergency room overflows with wounded soldiers on stretchers." It quotes Major Wenner, a family doctor from Fort Sill, OK, as saying that:

It's not the names I remember as I go to sleep. It is the faces and the injuries. . . . My alarm goes off, and it is time to start all over again. Groundhog Day, we call it.

These medics and the wounded that they tend to everyday merit immediate attention by this body for the conditions they work under and medical equipment they work with.

The 212th Mobile Army Surgical Hospital is an example of our current combat support hospital system that we use in Iraq. It is basically a bunch of tents. I have had the opportunity to tour a model similar to that used by the 212th, but that was on the Capitol lawn when it wasn't in use.

According to an Army Lessons Learned Report on the 212th, the reality of these medic platforms is frightening. The tents are porous and the report cites adverse conditions for medical personnel and the wounded they treat due to sand and dirt filtering through the seams, doors and floors impacting the medical team's ability to function.

I think we can do better than this and in fact, so does the Army. The Army has a plan to modernize the combat support hospitals into the Future Combat Hospital Systems. Let me share with you the Army's view:

The U.S. Army Medical Department has a continuing requirement to support its deployed medical forces with shelters appropriate to battlefield medical missions. Currently a combination of aged ISO Shelters and TEMPER Tents are being used at Combat Support Hospital (CSHs), and Forward Surgical Teams (FST) are using a composite of less than optimal tents. A formal Operational Requirements Document was drafted by the U.S. Army Medical Department Center and School to support an upgrade/modernization to these new platforms. With the recent changeover to the new Joint requirements process, this document will eventually roll into this new format.

This Army report further states that the U.S. Army Medical Research and Materiel Command placed a requirement into the fiscal year 2006-2011 Pro-

gram Objective Memorandum for the development effort. The funding requested was \$14 million for fiscal year 2005-2006 and \$10 million for fiscal year 2007. However, modernization of the Combat Support Hospital System fell below the core funding capability.

In another report, the modernization, conversion and recapitalization for the non-medical equipment components necessary to support the Army medical casualty care platform was recognized as a shortfall in the organizational structure in the first gulf war, Operation Desert Shield/Desert Storm.

In other words, we have known for more than a decade that the current system does not work well in today's battlefields but we didn't fund the upgrade. We are basically putting U.S. medical personnel in a situation that makes their jobs even harder.

I am not aware of any objection to this provision, except for the offset. It is not the merits, it is the money.

So I ask my colleagues, what is it worth to save one soldier, one Marine? I think it is worth at least \$10 million for medical equipment that has been identified as a necessary readiness requirement. I think \$10 million is more than reasonable.

Medical analysis suggests that each additional dollar spent on modernization of medical equipment can produce health gains, including reducing death and disability rates.

Just as important, additional investments in the combat support hospital system will send a message to our doctors, nurses and other critical medical support personnel in theater. It will tell them that we recognize the tremendous job that they are doing and that we back up that recognition with real tools that will aid them in their work. Given the conditions that these medics are working under, \$10 million is the least we can do.

The \$10 million for medical equipment and combat casualty care technologies would be funded by an offset from a defense-wide reduction in travel monies. The General Accounting Office recently found that the Department of Defense is losing millions of dollars in fraud, waste and improper papers for travel. Fixing this problem is a double victory for taxpayers and our Defense priorities.

In closing, my bill SACRIFICE is a humble act that holds very important initiatives. I urge my colleagues to join me in my effort to recognize the sacrifice being made by members of the Armed Forces, to provide support for their families, and to provide the necessary tools to bring them home safely.

By Mr. CAMPBELL:

S. 2517. A bill to require the Secretary of the Treasury to mint coins in commemoration of Ronald Wilson Reagan, the 40th President of the United States; to the Committee on Banking, Housing, and Urban Affairs.

Mr. CAMPBELL. Mr. President, today I introduce the "Ronald Wilson

Reagan Commemorative Coin Act of 2004."

This bill is the same as one I introduced in the 107th Congress, and would accomplish two worthy goals. First, it would help honor Ronald Wilson Reagan, the 40th President of the United States, and the many worthy contributions he made to this nation. Second, it would also help raise much needed resources to help families across the United States provide care for their loved ones who have been stricken by Alzheimer's disease.

This legislation's timeliness is obviously without question, as we as a nation honor Ronald Reagan this week and mourn his passing. The worthiness of the bill also goes without question. Most of us have seen Nancy Reagan discuss her husband's illness. Watching Mrs. Reagan as she has so openly and eloquently shared touching insights about their struggle with Alzheimer's disease has always been very moving. There is no doubt about the truly deep bonds that united Ronald and Nancy Reagan and that we need to continue to do what we can to fight the disease that slowly took its terrible toll on the Reagans and so many other American families.

Ronald Reagan wore many hats in his life, including endeavors as a sports announcer, actor, governor and President of the United States. He was first elected president in 1980 and served two terms, becoming the first president to serve two full terms since Dwight Eisenhower.

His boundless optimism and deep-seated belief in the people of the United States and the American Dream helped restore our Nation's pride in itself and brought about a new "Morning in America." His challenge to Gorbachev to "tear down this wall," his successful revival of our economic power, his determination to rebuild our armed forces in order to contain the spread of communism, and his international summitry skills as seen at Reykjavik, Iceland, combined to help bring an end to the Cold War. Ronald Reagan left our Nation in much better shape than it was in when he took office.

As Alzheimer's sets in, brain cells gradually deteriorate and die. People afflicted by the disease gradually lose their cognitive ability. Patients eventually become completely helpless and dependent on those around them for even the most basic daily needs. Each of the millions of Americans who is now affected will eventually, barring new discoveries in treatment, lose their ability to remember recent and past events, family and friends, even simple things like how to take a bath or turn on lights. Ronald Reagan, one of the most courageous and optimistic Presidents in American history, was no exception.

Shortly after being shot in an assassination attempt, Ronald Reagan's courage and good humor in the face of a life threatening situation were evi-

dent when he famously apologized to his wife Nancy saying "Sorry honey. I forgot to duck." Unfortunately, once Alzheimer's disease takes hold, it delivers a slow mind destroying bullet that none of us can duck to avoid. As Ronald Reagan wrote shortly after learning of his diagnosis "I only wish there was some way I could spare Nancy from this painful experience." From the moment of diagnosis, it's "a truly long, long, goodbye," Nancy Reagan said.

Fortunately for all of us, when Ronald Reagan courageously announced in such an honest and public manner that he had Alzheimer's, rather than covering it up, he did a great deal to help alleviate the negative stigma that has long faced those suffering from this terrible disease. Much of the shame and pity traditionally associated with Alzheimer's was transformed almost overnight into sympathy and understanding as public awareness suddenly shot up and those suffering from Alzheimer's, and their families, knew that they were not alone.

While Ronald Reagan's health didn't deteriorate right away, according to Mrs. Reagan, he had his good days and bad days, "just like everybody else." In recent years, however, Reagan's condition completely deteriorated—and quickly. "It's frightening and it's cruel," Nancy said, speaking of the disease and what it has done to her husband and family. "It's sad to see somebody you love and have been married to for so long, with Alzheimer's, and you can't share memories," Mrs. Reagan said.

In the introduction to a recently released book based on the touching love letters exchanged between herself and Reagan, Nancy elaborated on her sense of loss when she wrote, "You know that it's a progressive disease and that there's no place to go but down, no light at the end of the tunnel. You get tired and frustrated, because you have no control and you feel helpless." She also said, "There are so many memories that I can no longer share, which makes it very difficult."

Nancy Reagan has earned our Nation's admiration for her steadfast and loving dedication to her husband as she watched her beloved husband slowly fade away. Likewise, families all across our Nation, day in and day out, choose to personally provide care for their loved ones suffering from Alzheimer's, rather than putting them in institutions. They deserve our respect and support.

Fortunately, Mrs. Reagan has had access to vital resources that helped her care for her husband. This is how it should be. Unfortunately, there are many American families out there who do not have access to these resources. This bill will help alleviate that by raising money to help American families who are struggling while providing care for their loved ones.

Funding for Alzheimer's research has increased significantly over the past

several years. Ronald Reagan's courage in coming forward and publicly announcing his condition played an important role in raising public awareness of Alzheimer's and paved the way for the recent increases in research funding. But much more needs to be done and this bill would complement these efforts.

Once again, the legislation I am introducing today authorizes the U.S. Mint to produce commemorative coins honoring Ronald W. Reagan while raising funds to help families care for their family members suffering from Alzheimer's disease. I urge my colleagues to support passage of this legislation.

Ronald Reagan's eternal optimism and deep seated belief in an even better future for our Nation was underscored when he said, "I know that for America, there will always be a bright future ahead." In honoring him this week, and in honoring his struggle, this bill, in keeping with this quote's spirit, will help provide for a better future for many American families.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2517

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Ronald Reagan Commemorative Coin Act of 2004".

#### SEC. 2. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—The Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue the following coins:

(1) \$5 GOLD COINS.—Not more than 100,000 \$5 coins, which shall—

(A) weigh 8.359 grams;

(B) have a diameter of 0.850 inches; and

(C) contain 90 percent gold and 10 percent alloy.

(2) \$1 SILVER COINS.—Not more than 500,000 \$1 coins, which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain 90 percent silver and 10 percent copper.

(b) BIMETALLIC COINS.—The Secretary may mint and issue not more than 200,000 \$10 bimetallic coins of gold and platinum instead of the gold coins required under subsection (a)(1), in accordance with such specifications as the Secretary determines to be appropriate.

(c) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

#### SEC. 3. SOURCES OF BULLION.

(a) PLATINUM AND GOLD.—The Secretary shall obtain platinum and gold for minting coins under this Act from available sources.

(b) SILVER.—The Secretary may obtain silver for minting coins under this Act from stockpiles established under the Strategic and Critical Materials Stock Piling Act and from other available sources.

#### SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall—

(A) be emblematic of the presidency and life of former President Ronald Wilson Reagan;

(B) bear the likeness of former President Ronald Reagan on the obverse side; and

(C) bear a design on the reverse side that is similar to the depiction of an American eagle carrying an olive branch, flying above a nest containing another eagle and hatchlings, as depicted on the 2001 American Eagle Gold Proof coins.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act, there shall be—

- (A) a designation of the value of the coin;
- (B) an inscription of the year “2005”; and
- (C) inscriptions of the words “Liberty”, “In God We Trust”, “United States of America”, and “E Pluribus Unum”.

(b) DESIGN SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary, after consultation with the Commission of Fine Arts; and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

#### SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only one facility of the United States Mint may be used to strike any particular combination of denomination and quality of the coins minted under this Act.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins minted under this Act only during the period beginning on January 1, 2005 and ending on December 31, 2005.

#### SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

- (1) the face value of the coins;
- (2) the surcharge provided in subsection (d) with respect to such coins; and
- (3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

(d) SURCHARGES.—All sales of coins issued under this Act shall include a surcharge established by the Secretary, in an amount equal to not more than—

- (1) \$50 per coin for the \$10 coin or \$35 per coin for the \$5 coin; and
- (2) \$10 per coin for the \$1 coin.

#### SEC. 7. DISTRIBUTION OF SURCHARGES.

(a) IN GENERAL.—Subject to section 5134(f) of title 31, United States Code, the proceeds from the surcharges received by the Secretary from the sale of coins issued under this Act shall be paid promptly by the Secretary to the Department of Health and Human Services to be used by the Secretary of Health and Human Services for the purposes of—

(1) providing grants to charitable organizations that assist families in their efforts to provide care at home to a family member with Alzheimer's disease; and

(2) increasing awareness and educational outreach regarding Alzheimer's disease.

(b) AUDITS.—Any organization or entity that receives funds from the Secretary of Health and Human Services under subsection (a) shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to such funds.

#### SEC. 8. FINANCIAL ASSURANCES.

(a) NO NET COST TO THE GOVERNMENT.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this Act will not result in any net cost to the United States Government.

(b) PAYMENT FOR COINS.—A coin shall not be issued under this Act unless the Secretary has received—

- (1) full payment for the coin;
- (2) security satisfactory to the Secretary to indemnify the United States for full payment; or
- (3) a guarantee of full payment satisfactory to the Secretary from a depository institution, the deposits of which are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration Board.

### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 376—CONGRATULATING THE SYRACUSE UNIVERSITY ORANGE MEN'S LACROSSE TEAM ON WINNING THE 2004 NCAA DIVISION I MEN'S LACROSSE NATIONAL CHAMPIONSHIP

Mrs. CLINTON (for herself and Mr. SCHUMER) submitted the following resolution; which was considered and agreed to:

S. RES. 376

Whereas on Monday, May 31, 2004, the Syracuse University Orange men's lacrosse team won the National Collegiate Athletic Association (NCAA) Division I men's lacrosse National Championship in Baltimore, Maryland;

Whereas this title represents the ninth National Championship for the Syracuse University men's lacrosse program, and the third NCAA Division I title for the men's lacrosse team in the past 5 years;

Whereas on May 31, 2004, the Orange men's lacrosse team defeated the Midshipmen of the United States Naval Academy by a score of 14 to 13;

Whereas the Orange were led by Michael Powell, a senior from Carthage, New York, who was voted Most Outstanding Competitor in the 2004 NCAA Division I men's lacrosse tournament;

Whereas Michael Powell completed his remarkable career as the leading scorer in the history of the Syracuse University men's lacrosse program by scoring the final and winning goal of the National Championship;

Whereas the Orange were supported in their title run by outstanding efforts from the entire team, including seniors Dan DiPietro, Nick Donatelli, Kevin Dougherty, Sean Lindsay, Brian Nee, and Alex Zink;

Whereas the Orange men's lacrosse head coach John Desko, a former All-American Defenseman and a member of the Orange lacrosse community since 1976, has led the Orange men's lacrosse team to 3 NCAA Division I titles since 1999;

Whereas the outstanding Orange men's lacrosse assistant coaches Roy Simmons III, Kevin Donahue, and Ryan Powell complement the strong leadership of head coach John Desko and deserve enormous credit for continuing the tradition of excellence in lacrosse at Syracuse University; and

Whereas the students, alumni, and staff of Syracuse University and the fans of Syracuse lacrosse should be congratulated for their longstanding commitment to and pride in the Orange men's lacrosse team: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the Syracuse University Orange men's lacrosse team for winning the 2004 NCAA Division I men's lacrosse National Championship;

(2) recognizes the achievements of all of the team's players, coaches, and support staff, and invites them to the United States Capitol Building to be honored; and

(3) directs the Secretary of the Senate to make available an enrolled copy of this resolution to Syracuse University for appropriate display.

#### SENATE RESOLUTION 377—CONGRATULATING THE LE MOYNE COLLEGE DOLPHINS MEN'S LACROSSE TEAM ON WINNING THE 2004 NCAA DIVISION II MEN'S LACROSSE NATIONAL CHAMPIONSHIP

Mrs. CLINTON (for herself and Mr. SCHUMER) submitted the following resolution; which was considered and agreed to:

S. RES. 377

Whereas on May 30, 2004, the Le Moyne College Dolphins men's lacrosse team won the National Collegiate Athletic Association (“NCAA”) Division II National Championship;

Whereas the Le Moyne College men's lacrosse team defeated Limestone College 11 to 10 in double overtime, with a game winning goal by junior attackman Brandon Spillet;

Whereas the NCAA Division II men's lacrosse title is the first National Championship won by any Le Moyne College athletic program in the history of the college;

Whereas Brandon Spillet scored 7 goals in the National Championship game and was named Most Outstanding Player in the NCAA Division II men's lacrosse championship game;

Whereas Dan Sheehan, head coach of the Le Moyne College men's lacrosse team, has been named Northeast 10 Conference Coach of the Year for the fourth consecutive season;

Whereas Coach Dan Sheehan, assisted by Brian Datellas, Kevin Michaud, and Bradley Carr, was the first head coach in the history of Le Moyne College lacrosse to earn a berth in the NCAA Division II men's lacrosse tournament;

Whereas the Dolphins were supported in their title run by outstanding efforts from the entire team, including seniors Travis Morgia, Corey Sullivan, Adam Carne, Rob Trowbridge, Pat Hooks, Chris Geng, Joel Dorchester, Justin Wnuk, and Dan Holdridge; and

Whereas the students, staff, alumni and friends of the Le Moyne College men's lacrosse team deserve much credit for their long-time dedication and loyalty to the building of a legacy for the Le Moyne Dolphins men's lacrosse team. Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the Le Moyne College men's lacrosse team for winning the 2004 NCAA Division II National Championship;

(2) recognizes the achievements of the players, coaches, and support staff of the team and invites them to the United States Capitol Building to be honored; and

(3) directs the Secretary of the Senate to make available an enrolled copy of this resolution to Le Moyne College for appropriate display.



**SENATE RESOLUTION 378—DESIGNATING JUNE 14, 2004, AS “NATIONAL PLEDGE OF ALLEGIANCE TO THE FLAG DAY”**

Mr. CORNYN (for himself, Mrs. FEINSTEIN, Mr. CRAIG, Mr. GRASSLEY, Mr. CHAMBLISS, Mr. GRAHAM of South Carolina, and Mr. DEWINE) submitted the following resolution; which was considered and agreed to:

**S. RES. 378**

Whereas the United States flag is a unique symbol of the United States and its ideals;

Whereas millions of Americans instinctively look to the United States flag with reverence, in times of national crisis and triumph alike;

Whereas no other American symbol has been as universally honored as the United States flag;

Whereas the United States flag has always played a unique role in honoring the men and women of the Armed Forces who have died in defense of the United States;

Whereas to the countless families of loved ones who have died in defense of the United States, the United States flag is a treasured possession and a poignant memory of their loss;

Whereas the Second Continental Congress adopted the Stars and Stripes as the official flag of the United States on June 14, 1777;

Whereas Congress has designated June 14 as Flag Day (36 U.S.C. 110);

Whereas the Pledge of Allegiance is recited by millions of Americans who wish to demonstrate their loyalty and allegiance to the flag of the United States and to the republic for which it stands;

Whereas President Eisenhower signed into law the modern version of the Pledge of Allegiance on June 14, 1954 (Joint Resolution entitled “Joint Resolution to amend the pledge of allegiance to the flag of the United States of America”, Public Law 83-396, approved June 14, 1954), making Flag Day, 2004, the 50th anniversary of the modern version of the Pledge of Allegiance;

Whereas a 3-judge panel of the United States Court of Appeals for the Ninth Circuit ruled in *Newdow v. United States Congress*, 328 F.3d 466 (9th Cir. 2002), that the words “under God” in the Pledge of Allegiance violate the establishment clause of the first amendment of the Constitution of the United States when recited voluntarily by students in public schools;

Whereas on June 14, 2004, the Supreme Court issued a decision, *Elk Grove Unified School District v. Newdow* (docket number 02-1624), that reversed the decision of the United States Court of Appeals for the Ninth Circuit in the *Newdow* case solely on procedural grounds, but that leaves unresolved whether the Supreme Court agrees with the decision of the United States Court of Appeals for the Ninth Circuit to strike down the Pledge of Allegiance as unconstitutional;

Whereas Congress, in 1954, believed that it was acting constitutionally when it revised the Pledge of Allegiance;

Whereas the Senate believes that the Pledge of Allegiance, as revised in 1954 and as recodified in 2002 (4 U.S.C. 4), is a fully constitutional expression of patriotism; and

Whereas the Senate has twice acted by unanimous consent to authorize the Senate Legal Counsel to defend the constitutionality of the Pledge of Allegiance in the Federal courts (Senate Resolution 134, 108th Congress, agreed to May 8, 2003, and Senate Resolution 292, 107th Congress, agreed to June 26, 2002); Now, therefore, be it

*Resolved*, That the Senate—

(1) supports and reveres the United States flag and the Pledge of Allegiance;

(2) strongly disapproves of the decision by the 3-judge panel of the United States Court of Appeals for the Ninth Circuit in *Newdow v. United States Congress*; and

(3) hereby designates June 14, 2004, as “National Pledge of Allegiance to the Flag Day”.

**SENATE RESOLUTION 379—PROTECTING, PROMOTING, AND CELEBRATING FATHERHOOD**

Mr. BROWNBACK (for himself, Mr. BAYH, Mr. ALEXANDER, Mr. ALLEN, Mr. BENNETT, Mr. BUNNING, Mr. BURNS, Mr. COCHRAN, Mr. CORNYN, Mr. CRAPO, Mr. DOMENICI, Mr. FITZGERALD, Mr. HAGEL, Ms. LANDRIEU, Mr. LEVIN, Mr. LOTT, Mr. MILLER, Mr. SANTORUM, and Mr. TALENT) submitted the following resolution; which was referred to the Committee on the Judiciary:

**S. RES. 379**

Whereas the third Sunday of June is observed as Father's Day;

Whereas fathers have a unique bond with their children which is often unrecognized;

Whereas the complimentary nature of the roles and contributions of fathers and mothers should be recognized and encouraged;

Whereas fathers have an indispensable role in building and transforming society to build a culture of life;

Whereas fathers, along with their wives, form an emotional template for the future professional and personal relationships of a child;

Whereas the involvement of a father in the life of his child significantly influences economic and educational attainment and delinquency of the child; and

Whereas children who experience a close relationship with their fathers are protected from delinquency and psychological distress; Now, therefore, be it

*Resolved*, That the Senate recognizes the importance of fathers to a healthy society and calls on all the people of the United States to observe Father's Day by considering how society can better respect and support fatherhood.

**AMENDMENTS SUBMITTED & PROPOSED**

SA 3449. Mr. REID (for Mr. LEVIN) proposed an amendment to amendment SA 3322 proposed by Mr. ALLARD to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

**TEXT OF AMENDMENTS**

**SA 3449.** Mr. REID (for Mr. LEVIN) proposed an amendment to amendment SA 3322 proposed by Mr. ALLARD to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; as follows:

Beginning on page 2, line 4, of the amendment, strike “not later than 30 days” and all that follows through the end and insert “on an expedited basis, except in cases in which the Secretary of State determines that addi-

tional time is required to complete a review of a technical assistance agreement or related amendment or a munitions license application for foreign policy or national security reasons, including concerns regarding the proliferation of ballistic missile technology.

(2) **STUDY ON COMPREHENSIVE AUTHORIZATIONS FOR MISSILE DEFENSE.**—The Secretary of State shall, in consultation with the Secretary of Defense, examine the feasibility of providing major project authorizations for programs related to missile defense similar to the comprehensive export authorization specified in section 126.14 of the International Traffic in Arms Regulations (section 126.14 of title 22, Code of Federal Regulations).

(3) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall, in consultation with the Secretary of Defense, submit to the Committee on Foreign Relations and the Committee on Armed Services of the Senate and the Committee on International Relations and the Committee on Armed Services of the House of Representatives a report on—

(A) the implementation of the expedited procedures required under paragraph (1); and

(B) the feasibility of providing the major project authorization for projects related to missile defense described in paragraph (2).

(b) **DEPARTMENT OF DEFENSE PROCEDURES FOR EXPEDITED REVIEW OF LICENSES FOR THE TRANSFER OF DEFENSE ITEMS RELATED TO MISSILE DEFENSE.**—

(1) **PROCEDURES.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of State, prescribe procedures to increase the efficiency and transparency of the practices used by the Department of Defense to review technical assistance agreements and related amendments and munitions license applications related to international cooperation on missile defense that are referred to the Department.

(2) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on International Relations of the House of Representatives a report—

(A) describing actions taken by the Secretary of Defense to coordinate with the Secretary of State the establishment of the expedited review process described in subsection (a)(1);

(B) identifying key defense items related to missile defense that are suitable for comprehensive licensing procedures; and

(C) describing the procedures prescribed pursuant to paragraph (1).

(c) **DEFINITION OF DEFENSE ITEMS.**—In this section, the term “defense items” has the meaning given that term in section 38(j)(4)(A) of the Arms Export Control Act (22 U.S.C. 2778(j)(4)(A)).

**SEC. 1069. POLICY ON NONPROLIFERATION OF BALLISTIC MISSILES.**

(a) **POLICY.**—It is the policy of the United States to develop, support, and strengthen international accords and other cooperative efforts to curtail the proliferation of ballistic missiles and related technologies which could threaten the territory of the United States, allies and friends of the United States, and deployed members of the Armed Forces of the United States with weapons of mass destruction.

(b) **SENSE OF CONGRESS.**—(1) Congress makes the following findings:

(A) Certain countries are seeking to acquire ballistic missiles and related technologies that could be used to attack the

United States or place at risk United States interests, forward-deployed members of the Armed Forces, and allies and friends of the United States.

(B) Certain countries continue to actively transfer or sell ballistic missile technologies in contravention of standards of behavior established by the United States and allies and friends of the United States.

(C) The spread of ballistic missiles and related technologies worldwide has been slowed by a combination of national and international export controls, forward-looking diplomacy, and multilateral interdiction activities to restrict the development and transfer of such weapons and technologies.

(2) It is the sense of Congress that—

(A) the United States should vigorously pursue foreign policy initiatives aimed at eliminating, reducing, or retarding the proliferation of ballistic missiles and related technologies; and

(B) the United States and the international community should continue to support and strengthen established international accords and other cooperative efforts, including United Nations Security Council Resolution 1540 and the Missile Technology Control Regime, that are designed to eliminate, reduce, or retard the proliferation of ballistic missiles and related technologies.

#### NOTICES OF HEARINGS/MEETINGS

##### COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Tuesday, June 15, 2004, at 10 a.m. in room 485 of the Russell Senate Office Building to conduct a hearing on S. 1530, the Tribal Parity Act.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

##### COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, June 16, 2004, at 10 a.m. in room 485 of the Russell Senate Office Building to conduct a business meeting on pending committee matters, to be followed immediately by an oversight hearing on the implementation in Native American communities of the "No Child Left Behind Act."

Mr. President, I will ask unanimous consent that the Committee on Indian Affairs also be authorized to meet again on Wednesday, June 16, 2004, at 2 p.m. in room 485 of the Russell Senate Office Building to conduct a hearing on S. 1996, the Oglala Sioux Tribe Angostura Irrigation Project Rehabilitation and Development Act.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON FOREIGN RELATIONS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Monday, June 14, 2004 at 3 p.m. to hold a hearing on Nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PRIVILEGE OF THE FLOOR

Mr. DURBIN. Mr. President, I ask unanimous consent that Katherine Kennedy, an Air Force congressional fellow on my staff who has worked with me on this bill, be granted floor privileges for the remainder of the 108th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that Jan Liam Wasley, a fellow in Senator ROCKEFELLER's office, be permitted floor privileges during consideration of S. 2400, the Department of Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d-276g, as amended, appoints the following Senator as a member of the Senate Delegation to the Canada-U.S. Inter-parliamentary Group during the Second Session of the 108th Congress: Senator DANIEL K. AKAKA of Hawaii.

#### CONGRATULATING THE SYRACUSE UNIVERSITY ORANGEMEN'S LACROSSE TEAM

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 376, introduced earlier today by Senator CLINTON.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A Senate resolution (S. Res. 376) congratulating the Syracuse University Orangemen's lacrosse team on winning the 2004 NCAA Division I men's lacrosse National Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WARNER. Mr. President, I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 376) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

##### S. RES. 376

Whereas on Monday, May 31, 2004, the Syracuse University Orange men's lacrosse team won the National Collegiate Athletic Association (NCAA) Division I men's lacrosse National Championship in Baltimore, Maryland;

Whereas this title represents the ninth National Championship for the Syracuse University men's lacrosse program, and the third NCAA Division I title for the men's lacrosse team in the past 5 years;

Whereas on May 31, 2004, the Orange men's lacrosse team defeated the Midshipmen of the United States Naval Academy by a score of 14 to 13;

Whereas the Orange were led by Michael Powell, a senior from Carthage, New York, who was voted Most Outstanding Competitor in the 2004 NCAA Division I men's lacrosse tournament;

Whereas Michael Powell completed his remarkable career as the leading scorer in the history of the Syracuse University men's lacrosse program by scoring the final and winning goal of the National Championship;

Whereas the Orange were supported in their title run by outstanding efforts from the entire team, including seniors Dan DiPietro, Nick Donatelli, Kevin Dougherty, Sean Lindsay, Brian Nee, and Alex Zink;

Whereas the Orange men's lacrosse head coach John Desko, a former All-American Defenseman and a member of the Orange lacrosse community since 1976, has led the Orange men's lacrosse team to 3 NCAA Division I titles since 1999;

Whereas the outstanding Orange men's lacrosse assistant coaches Roy Simmons III, Kevin Donahue, and Ryan Powell complement the strong leadership of head coach John Desko and deserve enormous credit for continuing the tradition of excellence in lacrosse at Syracuse University; and

Whereas the students, alumni, and staff of Syracuse University and the fans of Syracuse lacrosse should be congratulated for their longstanding commitment to and pride in the Orange men's lacrosse team: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the Syracuse University Orange men's lacrosse team for winning the 2004 NCAA Division I men's lacrosse National Championship;

(2) recognizes the achievements of all of the team's players, coaches, and support staff, and invites them to the United States Capitol Building to be honored; and

(3) directs the Secretary of the Senate to make available an enrolled copy of this resolution to Syracuse University for appropriate display.

#### CONGRATULATING THE LE MOYNE COLLEGE DOLPHINS MEN'S LACROSSE TEAM

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 377, introduced earlier today by Senator CLINTON.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A Senate resolution (S. Res. 377) congratulating the Le Moyne College Dolphins men's lacrosse team on winning the 2004 NCAA Division II men's lacrosse National Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WARNER. Mr. President, I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 377) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 377

Whereas on May 30, 2004, the Le Moyne College Dolphins men's lacrosse team won the National Collegiate Athletic Association ("NCAA") Division II National Championship;

Whereas the Le Moyne College men's lacrosse team defeated Limestone College 11 to 10 in double overtime, with a game winning goal by junior attackman Brandon Spillett;

Whereas the NCAA Division II men's lacrosse title is the first National Championship won by any Le Moyne College athletic program in the history of the college;

Whereas Brandon Spillett scored 7 goals in the National Championship game and was named Most Outstanding Player in the NCAA Division II men's lacrosse championship game;

Whereas Dan Sheehan, head coach of the Le Moyne College men's lacrosse team, has been named Northeast 10 Conference Coach of the Year for the fourth consecutive season;

Whereas Coach Dan Sheehan, assisted by Brian Datellas, Kevin Michaud, and Bradley Carr, was the first head coach in the history of Le Moyne College lacrosse to earn a berth in the NCAA Division II men's lacrosse tournament;

Whereas the Dolphins were supported in their title run by outstanding efforts from the entire team, including seniors Travis Morgia, Corey Sullivan, Adam Carne, Rob Trowbridge, Pat Hooks, Chris Geng, Joel Dorchester, Justin Wnuk, and Dan Holdridge; and

Whereas the students, staff, alumni and friends of the Le Moyne College men's lacrosse team deserve much credit for their long-time dedication and loyalty to the building of a legacy for the Le Moyne Dolphins men's lacrosse team. Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Le Moyne College men's lacrosse team for winning the 2004 NCAA Division II National Championship;

(2) recognizes the achievements of the players, coaches, and support staff of the team and invites them to the United States Capitol Building to be honored; and

(3) directs the Secretary of the Senate to make available an enrolled copy of this resolution to Le Moyne College for appropriate display.

# NATIONAL PLEDGE OF ALLEGIANCE TO THE FLAG DAY

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 378, which was submitted earlier today by Senator CORNYN.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A Senate resolution (S. Res. 378) designating June 14, 2004, as "National Pledge of Allegiance to the Flag Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. CORNYN. Mr. President, I am pleased that the Senate will approve S. Res. 378, designating today—June 14, 2004—as the National Pledge of Allegiance to the Flag Day.

The resolution, which I introduced earlier today, is cosponsored by several of my fellow Judiciary Committee members—Senators FEINSTEIN, CRAIG, GRASSLEY, CHAMBLISS, GRAHAM of South Carolina, and DEWINE. I thank them.

For Americans across the land, today is a special day.

First of all, today is Flag Day. This morning, I was honored to attend a Flag Day commemoration event at VFW Post 2494, located in the city of Grand Prairie in my beloved home State of Texas. Flag Day is the anniversary of the Flag Resolution of 1777. It was officially established in a proclamation by President Woodrow Wilson on May 30, 1916, and on August 3, 1949, President Harry S. Truman signed an act of Congress designating June 14 of each year as National Flag Day.

I look forward to Flag Day every year, because—as today's resolution notes—Flag Day gives Americans across the land the opportunity to remember and reaffirm that the United States flag is a unique symbol of the United States and its ideals. Millions of Americans instinctively look to the United States flag with reverence, in times of national crisis and triumph alike. No other American symbol has been as universally honored as the United States flag. The United States flag has always played a unique role in honoring the men and women of the Armed Forces who have died in defense of the United States. To the countless families of loved ones who have died in defense of the United States, the United States flag is a treasured possession and a poignant memory of their loss.

But today is also special for another reason. As the resolution also notes, today is the 50th anniversary of the modern version of the Pledge of Allegiance. The pledge has come under attack in recent years, however. Two years ago, a three-judge panel of the U.S. Court of Appeals for the Ninth Circuit, the Federal court of appeals based in San Francisco, ruled in the case of *Newdow v. United States Congress*, 328 F.3d 466 (9th Cir. 2002), that the establishment clause of the first amendment of the Constitution forbids public school teachers from leading willing students in the voluntary recitation of the Pledge of Allegiance, simply because the pledge confirms that our Nation was founded "under God."

Most Americans were alarmed by the decision, and rightly so. In response, a majority of the Senate subcommittee on the Constitution, Civil Rights and Property Rights filed the first amicus brief in the U.S. Supreme Court defending the pledge on the merits. The Senate legal counsel also filed a brief defending the pledge on behalf of the entire U.S. Senate. Clearly, members of both parties reject the views of the Ninth Circuit, the ACLU, and Americans United for the Separation of Church and State, and instead believe in the constitutionality of the Pledge of Allegiance.

Just last week, the subcommittee convened a hearing, entitled "Beyond the Pledge of Allegiance: Hostility to Religious Expression in the Public Square." At that hearing, scholars testified that our courts have become so hostile to democracy and to religious expression that they object even to patriotic references to God, such as those contained in the pledge.

Let us be clear: There is nothing unconstitutional about pledging allegiance to the flag. And thankfully, the U.S. Supreme Court reversed the Ninth Circuit decision in the *Newdow* case just this morning.

The Court did so, however, solely on procedural grounds—leaving for another day a determination by the Supreme Court as to whether it agrees with the Ninth Circuit's decision striking down the Pledge as unconstitutional.

I am glad to see that at least three members of the Supreme Court—Chief Justice Rehnquist, Justice O'Connor, and Justice Thomas—specifically acknowledged the constitutionality of the pledge in their opinions this morning. Their expressions follow a long line of statements in previous Supreme Court decisions supporting the Pledge. See, e.g., *Engel v. Vitale*, 370 U.S. 421, 440 n.5 (1962) (Douglas, J., concurring) ("The Pledge of Allegiance . . . in no way run[s] contrary to the First Amendment but recognize[s] only the guidance of God in our national affairs.") (quotations and citations omitted); *Sch. Dist. of Abington v. Schempp*, 374 U.S. 203, 304 (1963) (Brennan, J., concurring) ("The reference to divinity in the revised pledge of allegiance . . . may merely recognize the historical fact that our Nation was believed to have been founded 'under God.' Thus reciting the pledge may be no more of a religious exercise than the reading aloud of Lincoln's Gettysburg Address, which contains an allusion to the same historical fact."); *Lynch v. Donnelly*, 465 U.S. 668, 676 (1984) ("There is an unbroken history of official acknowledgment by all three branches of government of the role of religion in American life from at least 1789 . . . [E]xamples of reference to our religious heritage are found . . . in the language 'One Nation under God,' as part of the Pledge of Allegiance to the American flag. That pledge is recited by many thousands of public school children—and adults—every year."); *Wallace v. Jaffree*, 472 U.S. 38, 78 n.5 (1985) (O'Connor, J., concurring) ("In my view, the words 'under God' in the Pledge . . . serve as an acknowledgment of religion with 'the legitimate secular purposes of solemnizing public occasions, [and] expressing confidence in the future.'"); *County of Allegheny v. ACLU*, 492 U.S. 573, 602-3 (1989) ("Our previous opinions have considered in dicta the motto and the pledge, characterizing them as consistent with the proposition that government may not communicate an endorsement of religious belief."); see also *Sherman v. Community Consolidated*

*Sch. Dist. 21*, 980 F.2d 437 (7th Cir. 1992) (upholding constitutionality of school district policy providing for voluntary recitation of the Pledge).

However, the other five Justices of the Supreme Court—Justices Stevens, Kennedy, Souter, Ginsburg, and Breyer—did not see fit to join the other three Justices in supporting the constitutionality of the pledge. They appear to have remained largely silent on the issue. I hope that they are not sending a signal with their silence—a signal that they may strike down the pledge in some future case. Certainly, by reversing the Ninth Circuit on solely procedural grounds, they effectively reserve for themselves the opportunity to strike down the pledge in a future case.

The majority opinion does state that, “as its history illustrates, the Pledge of Allegiance evolved as a common public acknowledgement of the ideals that our flag symbolizes. Its recitation is a patriotic exercise designed to foster national unity and pride in those principles.” This passage suggests that the majority would uphold the Pledge of Allegiance against constitutional attack under the establishment clause. I hope that that is ultimately what the Court will do. I hope that the Court will ultimately vote to uphold and protect the Pledge of Allegiance.

I am not so optimistic about the Court voting to protect the flag itself, however—as I wrote in an op-ed published in the Fort Worth Star-Telegram just this morning, a copy of which I ask unanimous consent be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CORNYN. To be sure, from the founding, of our Nation until 1989, the power to protect the flag was not in doubt. In *Smith v. Goguen*, 1974, the U.S. Supreme Court held, in a decision authored by Justice Lewis Powell, that “nothing prevents a legislature from defining with substantial specificity what constitutes forbidden treatment of United States flags.” Justice Byron White stated in that same case that “[i]t would be foolishness to suggest that the men who wrote the Constitution thought they were violating it when they specified a flag for the new Nation. . . . There would seem to be little question about the power of Congress to forbid the mutilation of the Lincoln Memorial. . . . The Flag is itself a monument, subject to similar protection.” In *Street v. New York*, 1969, Chief Justice Earl Warren wrote that “the States and Federal Government do have the power to protect the flag from acts of desecration and disgrace.” Justice Hugo Black wrote in that same case that “[i]t passes my belief that anything in the Federal Constitution bars a State from making the deliberate burning of the American Flag an offense.” And Justice Abe Fortas noted that “the States and the

Federal Government have the power to protect the flag from acts of desecration committed in public.” More recently, Chief Justice William Rehnquist, Justice John Paul Stevens, and Justice Sandra Day O’Connor have all expressed their belief that nothing in the first amendment prohibits protection of the flag.

Accordingly, until recently, 48 States have had laws on the books protecting the flag—most of them patterned after the Uniform Flag Act of 1917. The Federal Government enacted its own law in 1967. And Congress reaffirmed that law in 1989 with the support of 91 Senators.

This historic power to protect the flag was eviscerated in 1989, however when the U.S. Supreme Court issued the first of two decisions, both decided by a bare 5 to 4 majority, declaring that flag desecration constitutes speech protected by the first amendment. See *Texas v. Johnson*, 1989, and *United States v. Eichman*, 1990.

Legal scholars agree that the flag protection amendment is the only way to restore the law as it existed for most of our Nation’s history. Constitutional amendments are the only way for the American people to reverse judicial constitutional decisions they reject. The Eleventh, Fourteenth, Sixteenth, Nineteenth, Twenty-Fourth, and Twenty-Sixth amendments were all ratified in order to reverse judicial decisions with which the American people disagreed.

So I am pleased to be an original cosponsor of the flag protection amendment, S.J. Res. 4. That resolution was introduced by Senator HATCH and by my Democrat cosponsor of today’s resolution, Senator FEINSTEIN. The amendment states simply that “[t]he Congress shall have power to prohibit the physical desecration of the flag of the United States.” I am proud to be an original cosponsor of the flag protection amendment, because I firmly believe that the flag occupies a unique place in our Nation and deserves constitutional recognition as such.

Of course, the first amendment guarantees freedom of speech, and thankfully so. And of course, the requirement that constitutional amendments be approved by two-thirds of each House of Congress and three-fourths of the States guarantees that the liberties we hold dear will not be taken away, just because we have acted today to protect the U.S. flag against physical desecration.

Moreover, the first amendment itself already contains exceptions. For example, the law does not allow individuals to yell “Fire!” in a crowded theater—even though such laws do impose a burden on the freedom of speech, albeit a minor one. Likewise, the vast majority of Americans agree that the Nation is better off when our flag is protected.

The House has approved the flag protection amendment five times in the past five Congresses—including just last year. All 50 State legislatures have

approved resolutions asking Congress to give them the opportunity to vote on the amendment. The last time that the amendment was brought to a vote on the Senate floor, in 2000, 63 Senators voted in favor of it—just four votes shy of the necessary two-thirds.

I urge my colleagues at least to give the States the opportunity to consider this amendment. And I urge my colleagues at least to give constitutional recognition to the importance of the United States flag to millions of Americans—even if they ultimately would oppose implementing legislation to protect the flag against physical desecration.

After all, the flag protection amendment does nothing more than to recognize that the United States flag occupies a unique position as the symbol of our Nation and, accordingly, deserves constitutional recognition as such. The amendment would empower Congress to take action to protect the flag, but it would not require Congress to do anything whatsoever.

There are many ways to express one’s political views. But there is only one United States flag—and it deserves constitutional protection.

I look forward to the debate over the flag protection amendment, and I look forward to a decision of the U.S. Supreme Court affirming for all time the constitutionality of the Pledge of Allegiance.

Until then, I am pleased that, because of the Senate’s action today, today will forever be known as the National Pledge of Allegiance to the Flag Day.

#### EXHIBIT 1

[From the Fort Worth Star-Telegram, June 14, 2004]

#### OUR BANNER DESERVES CONSTITUTIONAL PROTECTION

(By John Cornyn)

For Americans everywhere, Flag Day is special. And today we mark not only the annual celebration of the U.S. flag but also the 50th anniversary of the modern Pledge of Allegiance.

The U.S. flag is a uniquely powerful symbol of our nation and of our commitment to freedom and democracy. Therefore, it is deeply regrettable that our democratic system of government to date has not properly protected it.

A June 2 hearing of the Senate subcommittee on the Constitution, Civil Rights and Property Rights got to the heart of this problem.

Legal scholars testified that our courts have become so hostile to democracy and to religious expression that even patriotic references to God, such as those contained in the Pledge of Allegiance, are being wrongly struck down by the courts.

Let’s be clear: There is nothing unconstitutional about pledging allegiance to the flag. Yet a federal appeals court in San Francisco struck down the pledge anyway simply because it acknowledges that our nation was founded and exists “under God.”

The U.S. Supreme Court will soon decide whether the First Amendment forbids schoolteachers across America from leading students in voluntary recitation of the pledge.

The vast majority of Americans believe that the pledge is constitutional and reject

the views of the 9th Circuit Court and the American Civil Liberties Union. A majority of the Constitution subcommittee members filed the first amicus brief in the Supreme Court defending the pledge on its merits.

Many legal observers predict that the Supreme Court will reverse the 9th Circuit's decision. The same cannot be said, however, for protecting the flag itself.

The ability to protect the flag against physical desecration was not in doubt throughout most of American history. For example, in 1974, the Supreme Court held that "nothing prevents a legislature from defining with substantial specificity what constitutes forbidden treatment of United States flags."

Congress' power to protect the flag has also been supported by Chief Justices Earl Warren and William Rehnquist and Justices Byron White, Hugo Black, Abe Fortas, John Paul Stevens and Sandra Day O'Connor.

This power, however, was eviscerated in 1989 when the Supreme Court decided by a 5-4 majority that flag desecration constitutes speech protected by the First Amendment.

The flag deserves constitutional protection, and legal scholars agree that the Flag Protection Amendment is the only way to restore the law as it existed for most of our nation's history. That is why the Constitution subcommittee recently approved the amendment, and the full committee is scheduled to vote on it this month.

The First Amendment guarantees freedom of speech, and rightfully so. The requirement that constitutional amendments be approved by two-thirds of each chamber of Congress and three-fourths of the states guarantees that the liberties we hold dear will not be taken away just because the American people decide to take action to protect the U.S. flag against physical desecration.

The House has approved the Flag Protection Amendment five times in the past five Congresses—including just last year. All 50 state legislatures have approved resolutions asking Congress to give them the opportunity to vote on the amendment.

The last time that the amendment was brought to a vote on the Senate floor, in 2000, 63 senators voted in favor of it—just four votes shy of the necessary two-thirds. This year, the prospects for passage could be even better.

In times of national crisis and triumph alike, it is the U.S. flag that Americans look to with reverence. No other American symbol has been as universally honored.

In a time of war, it is even clearer that the flag plays a unique role in honoring the men and women of the military who died for the ideals that the flag represents.

If a soldier dies in defense of our nation, the United States gives the family a flag in honor of that service. To countless families, the flag is a treasured possession and a poignant memory of their loss.

There are many ways to express one's political views. But there is only one United States flag—and it deserves constitutional protection.

Mr. REID. Mr. President, if I could proceed, it is very appropriate that today—I do not know if the distinguished Chair knows this, being as busy as he has been all day—the Supreme Court upheld our being able to pledge allegiance to the flag. They did it on a procedural grounds, but I do not think it matters. We won.

Mr. WARNER. I thank the distinguished leader for advising the Senate of that. I had heard of that earlier today. I think it is most appropriate that our colleague from Texas has

acted. The Senate will act without any further delay.

I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 378) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 378

Whereas the United States flag is a unique symbol of the United States and its ideals;

Whereas millions of Americans instinctively look to the United States flag with reverence, in times of national crisis and triumph alike;

Whereas no other American symbol has been as universally honored as the United States flag;

Whereas the United States flag has always played a unique role in honoring the men and women of the Armed Forces who have died in defense of the United States;

Whereas to the countless families of loved ones who have died in defense of the United States, the United States flag is a treasured possession and a poignant memory of their loss;

Whereas the Second Continental Congress adopted the Stars and Stripes as the official flag of the United States on June 14, 1777;

Whereas Congress has designated June 14 as Flag Day (36 U.S.C. 110);

Whereas the Pledge of Allegiance is recited by millions of Americans who wish to demonstrate their loyalty and allegiance to the flag of the United States and to the republic for which it stands;

Whereas President Eisenhower signed into law the modern version of the Pledge of Allegiance on June 14, 1954 (Joint Resolution entitled "Joint Resolution to amend the pledge of allegiance to the flag of the United States of America", Public Law 83-396, approved June 14, 1954), making Flag Day, 2004, the 50th anniversary of the modern version of the Pledge of Allegiance;

Whereas a 3-judge panel of the United States Court of Appeals for the Ninth Circuit ruled in *Newdow v. United States Congress*, 328 F.3d 466 (9th Cir. 2002), that the words "under God" in the Pledge of Allegiance violate the establishment clause of the first amendment of the Constitution of the United States when recited voluntarily by students in public schools;

Whereas on June 14, 2004, the Supreme Court issued a decision, *Elk Grove Unified School District v. Newdow* (docket number 02-1624), that reversed the decision of the United States Court of Appeals for the Ninth Circuit in the *Newdow* case solely on procedural grounds, but that leaves unresolved whether the Supreme Court agrees with the decision of the United States Court of Appeals for the Ninth Circuit to strike down the Pledge of Allegiance as unconstitutional;

Whereas Congress, in 1954, believed that it was acting constitutionally when it revised the Pledge of Allegiance;

Whereas the Senate believes that the Pledge of Allegiance, as revised in 1954 and as recodified in 2002 (4 U.S.C. 4), is a fully constitutional expression of patriotism; and

Whereas the Senate has twice acted by unanimous consent to authorize the Senate Legal Counsel to defend the constitutionality of the Pledge of Allegiance in the Federal courts (Senate Resolution 134, 108th

Congress, agreed to May 8, 2003, and Senate Resolution 292, 107th Congress, agreed to June 26, 2002); Now, therefore, be it

*Resolved*, That the Senate—

(1) supports and reveres the United States flag and the Pledge of Allegiance;

(2) strongly disapproves of the decision by the 3-judge panel of the United States Court of Appeals for the Ninth Circuit in *Newdow v. United States Congress*; and

(3) hereby designates June 14, 2004, as "National Pledge of Allegiance to the Flag Day".

#### SMITHSONIAN ASTROPHYSICAL OBSERVATORY

Mr. WARNER. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of S. 2362 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2362) to authorize construction of the Smithsonian Astrophysical Observatory instrumentation support control building and associated site development on Kitt Peak, Arizona, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. WARNER. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements in relation to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2362) was read the third time and passed, as follows:

#### S. 2362

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SMITHSONIAN ASTROPHYSICAL OBSERVATORY INSTRUMENTATION SUPPORT FACILITY.

The Board of Regents of the Smithsonian Institution is authorized to develop the site for a Smithsonian Astrophysical Observatory instrumentation support control building, including the installation of necessary utilities and equipment housings, and to construct such building on the site, for the purpose of supporting the collaborative Very Energetic Radiation Imaging Telescope Array System (VERITAS) project on Kitt Peak near Tucson, Arizona.

#### SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act \$1,000,000 for fiscal year 2005.

#### APPOINTMENT OF COMMITTEE TO ESCORT HIS EXCELLENCY HAMID KARZAI, PRESIDENT OF THE TRANSITIONAL ISLAMIC STATE OF AFGHANISTAN

Mr. WARNER. Mr. President, I ask unanimous consent that the President of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort His Excellency President Hamid Karzai into the House Chamber for the joint meeting tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

# ORDERS FOR TUESDAY, JUNE 15, 2004

Mr. WARNER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10:30 a.m. on Tuesday, June 15. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of Calendar No. 503, S. 2400, the Department of Defense authorization bill, as provided under the previous order.

I further ask unanimous consent that the Senate recess from 12:30 p.m. to 2:15 p.m. for the weekly party luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. WARNER. Mr. President, tomorrow morning there will be a joint meeting of the Congress in order to hear an address from His Excellency Hamid Karzai, President of the Transitional Islamic State of Afghanistan. That joint meeting is to begin at 9:30 a.m., and Senators are asked to gather together in the Senate Chamber beginning at 9 a.m. in order to proceed as a body at 9:15 to the Hall of the House of Representatives to hear the address.

The Senate will reconvene following that address and resume consideration of the Defense authorization bill. Under the previous order, tomorrow morning the Senate will begin up to 100 minutes of debate prior to a vote in relation to the Kennedy amendment No. 3263 relating to the earth penetrator. Senators should note that the vote in relation to the Kennedy amendment will occur prior to our recessing for the party luncheons.

For the remainder of the day, we will continue working through amendments to the Defense bill. It is the leader's intention to dispose of as many amendments as possible during tomorrow's session. Therefore, Senators should expect rollcall votes throughout the day.

In addition, we are continuing our efforts to work through the remaining judicial nominations on the executive calendar, and Senators should expect votes on judicial nominations during tomorrow's session as well.

## ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Mr. WARNER. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:53 p.m., adjourned until Tuesday, June 15, 2004, at 10:30 a.m.

## NOMINATIONS

### EXECUTIVE NOMINATIONS RECEIVED BY THE SENATE JUNE 14, 2004:

#### DEPARTMENT OF EDUCATION

CAROL D'AMICO, OF INDIANA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM OF TWO YEARS. (NEW POSITION)

#### DEPARTMENT OF STATE

JOHN C. DANFORTH, OF MISSOURI, TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY, AND THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA IN THE SECURITY COUNCIL OF THE UNITED NATIONS.

JOHN C. DANFORTH, OF MISSOURI, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS.

#### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### To be general

LT. GEN. PAUL V. HESTER, 0000

#### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### To be general

LT. GEN. RICHARD A. CODY, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### To be general

GEORGE W. CASEY JR., 0000

#### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

#### To be captain

RICHARD L. CURBELLO, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

#### To be captain

LOUIS E. GIORDANO, 0000  
ROBERT A. LITTLE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

#### To be captain

JAMES O. CRAVENS, 0000  
WILLIAM J. LAMBERT III, 0000  
CHARLES R. ROOTS, 0000  
JAMES R. SHARRETT, 0000  
PO. H. WANG, 0000  
RONALD J. WELLS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

#### To be captain

STEPHEN W. BAILEY, 0000  
PAUL F. BOWERSOX, 0000  
GERALD F. DANAHER, 0000  
GREGORY O. DEJEAN, 0000  
STEPHEN J. GLAWSON, 0000  
CHARLES K. HARVEY, 0000  
JAMES E. HIBBS, 0000  
LOUISE PEARSON, 0000  
DONALD D. ROUTIER, 0000  
GARY F. WOERZ, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

#### To be captain

JOSEPH J. ALBANESE, 0000  
CHARLES W. DURANT, 0000  
ARTHUR M. EDGAR, 0000  
CHARLES W. FANSHAW, 0000  
STEPHEN J. KNAPOWSKI, 0000  
JOSEPH P. LEAHY, 0000  
WILLINGTON LIN, 0000  
ALBERT E. MACDOUGALL, 0000  
MICHAEL MOSKOWITZ, 0000  
TRACY P. MUSTIN, 0000

GARY S. SUGINO, 0000  
STEVEN L. YOUNG, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

#### To be captain

BENJAMIN M. ABALOS, 0000  
GLEN A. CHIDESTER, 0000  
ADA N. CROOM, 0000  
BERNARD E. DELURY JR., 0000  
MARTIN A. GROVER, 0000  
CHARLES G. HICKS, 0000  
ERIC P. JOHNSON, 0000  
PAUL D. LOCHNER, 0000  
MARK E. MENACKER, 0000  
JOHN F. MURPHY, 0000  
RYMN J. PARSONS, 0000  
GLENN T. WARE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

#### To be captain

PATRICK S. AGNEW, 0000  
ROBIN R. ALLEN, 0000  
MARK E. BIPES, 0000  
WILLIAM J. CORKINS, 0000  
ROBERT M. DASH, 0000  
LOWELL C. DUCKWORTH, 0000  
BRUCE D. FRENCH, 0000  
CHARLES E. GRIFFIN, 0000  
VICTOR W. HALL, 0000  
NORMAN L. JOHNSON, 0000  
JOSEPH G. KLINGER, 0000  
ROBERT B. LOMINACK, 0000  
WILLIAM H. MASENGIL, 0000  
DAVID P. MATTHEWS, 0000  
MICHAEL J. ORAZE, 0000  
GEORGE I. ROBINSON JR., 0000  
JANICE F. SMITH, 0000  
CHARLES W. STILES, 0000  
DOUGLAS R. TOOTHMAN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

#### To be captain

MARK J. BELTON, 0000  
ROBERT B. BRYANT, 0000  
GREGORY L. DAVIES, 0000  
FREDERICK C. FREEMAN JR., 0000  
DAVID M. HICKS, 0000  
JEFFREY S. HUMBERT, 0000  
PATRICK W. JORDAN, 0000  
NICHOLAS T. KALATHAS, 0000  
WILLIAM J. LEAHY, 0000  
PAMELA A. MAYNOR, 0000  
LAWRENCE P. MCCARTHY, 0000  
ROBERT A. MORRIS, 0000  
ROY C. MOZINGO, 0000  
GREGORY L. PENCE, 0000  
CHRISTOPHER F. PERLICK, 0000  
ANTHONY J. SCOLPINO, 0000  
KATHRYN J. SMITH, 0000  
ALLEN R. SZEKRETER, 0000  
ROBERT E. TOLIN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

#### To be captain

CIVITA M. ALLARD, 0000  
ANTHONY R. ALVAREZ, 0000  
NORAH H. BERTSCHY, 0000  
WENDY C. BOOTH, 0000  
JANET E. BOYD, 0000  
MARY E. CROOK, 0000  
JOAN M. CULLEY, 0000  
SANDRA A. CUPPLES, 0000  
HUBERT F. DEBO, 0000  
DEBORAH A. DODGE, 0000  
TERESA A. ENGLUND, 0000  
CAROL A. HAINES, 0000  
JENNIFER E. JOCKEL, 0000  
DIERDRE A. KRAUSE, 0000  
SUSAN D. MCCONNELL, 0000  
EVELYNE O. MOBBS, 0000  
LESLEY C. MORGAN, 0000  
MARYETTA B. NOLAN, 0000  
JANET D. PIERCE, 0000  
TARYN J. PITTMAN, 0000  
DEBORAH S. REVIS, 0000  
JEAN A. SEAGO, 0000  
KATHRYN M. SERBIN, 0000  
ANN N. TESCHER, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

#### To be captain

RICHARD D. BAERTLEIN, 0000  
MARK R. BRADY, 0000  
RACHEL I. CHASTANET, 0000  
STEPHEN M. DIRUSSO, 0000  
FLOYD A. DOUGHTY, 0000  
THOMAS R. FLIPSE, 0000  
TIMOTHY M. FULLAGAR, 0000  
DOUGLAS G. HATTER, 0000  
JOHN E. JAYNE, 0000  
JEFFREY R. JERNIGAN, 0000  
DAVID A. JERRARD, 0000



June 14, 2004

CHRISTOPHER J KANE, 0000  
JOSEPH W LUCERO, 0000  
DOUGLAS D MARTIN, 0000  
ANN B MCCrackEN, 0000  
KENNETH L MENDELSON, 0000  
TODD J MORRIS, 0000  
MARTIN MORSE, 0000

CONGRESSIONAL RECORD — SENATE

MICHAEL L MURRAY, 0000  
STEPHEN P PONTUS JR., 0000  
TAYLOR L PORTER, 0000  
RANDAL G SHELIN, 0000  
TIMOTHY H TROTTER, 0000  
BRADFORD WATERS, 0000  
JEFFREY G WILLIAMS, 0000

S6747

THE FOLLOWING NAMED OFFICER FOR REGULAR AP-  
POINTMENT AS A PERMANENT LIMITED DUTY OFFICER  
IN THE GRADE INDICATED IN THE UNITED STATES NAVY  
UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5589:

*To be lieutenant*

CARLOS VARONA, 0000